



APPLICATION ACCEPTED: June 14, 2013  
BOARD OF ZONING APPEALS: August 7, 2013  
TIME: 9:00 a.m.

# County of Fairfax, Virginia

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July 31, 2013

## STAFF REPORT

**SPECIAL PERMIT APPLICATION NO. SP 2013-PR-044**

### PROVIDENCE DISTRICT

**APPLICANT:** Appletree Montessori, LLC

**OWNER:** Annely K. Carver

**STREET ADDRESS:** 8809 Arlington Boulevard, Fairfax 22031

**TAX MAP REFERENCE:** 48-4 ((1)) 41

**LOT SIZE:** 41,216 square feet

**ZONING DISTRICT:** R-1

**ZONING ORDINANCE PROVISIONS:** 8-305

**SPECIAL PERMIT PROPOSAL:** To permit a home child care facility with 12 children.

**STAFF RECOMMENDATION:** Staff recommends denial of SP 2013-PR-044 for the home child care facility.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals. A copy of the BZA's Resolution setting forth this decision will be mailed within five (5) days after the decision becomes final.

*O:\ehaley\8-7) SP 2013-PR-044 Appletree Montessori (HCC)\Appletree Montessori staff report*

*Erin M. Haley*

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The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

For additional information, call Zoning Evaluation Division, Department of Planning and Zoning at 703-324-1280, 12055 Government Center Parkway, Suite 801, Fairfax, Virginia 22035. **Board of Zoning Appeals' meetings are held in the Board Room, Ground Level, Government Center Building, 12000 Government Center Parkway, Fairfax, Virginia 22035-5505.**

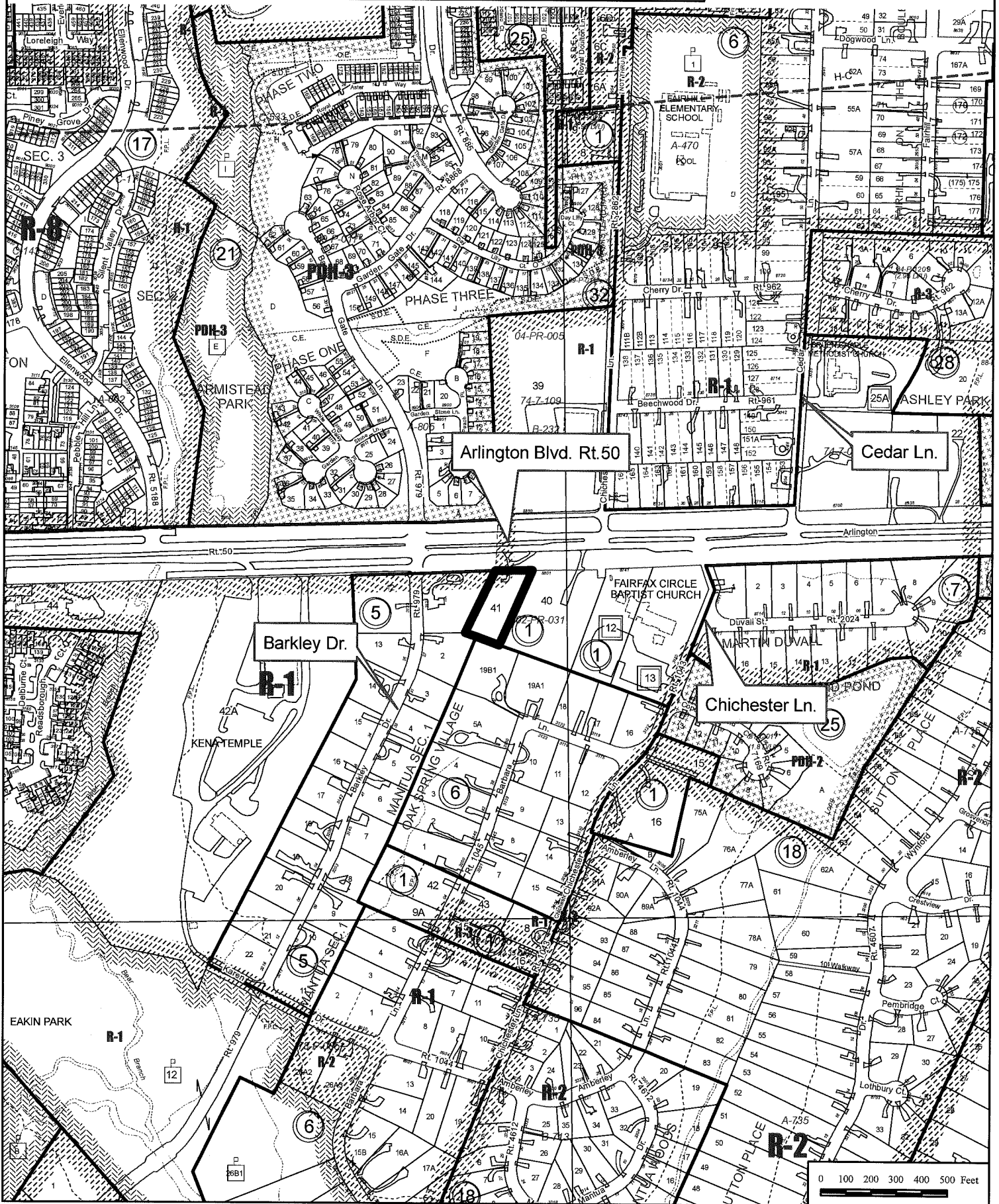


Americans with Disabilities Act (ADA): Reasonable accommodation is available upon 48 hours advance notice. For additional information on ADA call (703) 324-1334 or TTY 711 (Virginia Relay Center).

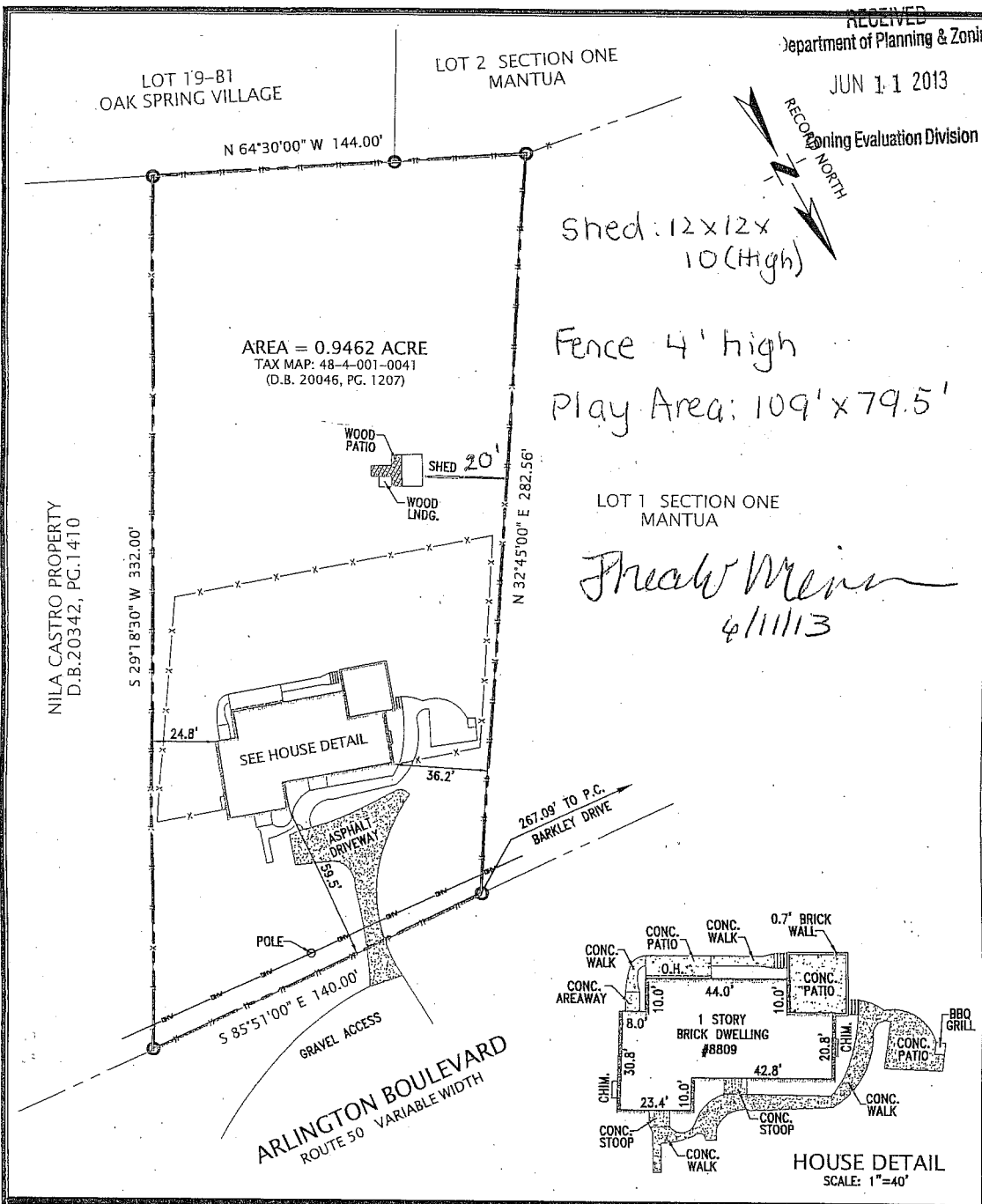
This map shows the Town of Vienna and surrounding areas. The town boundary is outlined in black. Major roads include Lee Highway, Old Lee Highway, and various local streets like Maple Avenue, Cedar Lane, and Idylwood Road. A proposed site is marked with a large black star at the intersection of Lee Highway and Merrifield Boulevard. The map also shows the locations of Mantua, Merrifield, and parts of Fairfax and Annandale. A scale bar at the bottom right indicates distances from 0 to 4,000 feet.

0 1,000 2,000 3,000 4,000 Feet

**Special Permit**  
**SP 2013-PR-044**  
**APPLETREE MONTESSORI, LLC**







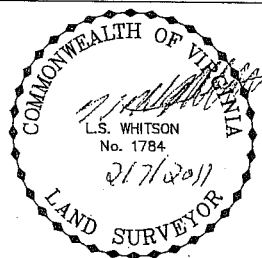
- NOTES:
1. "NO" PROPERTY CORNER MONUMENTS SET. REFER TO TITLE 54.1-407 OF THE CODE OF VIRGINIA;
  2. THIS SURVEY WAS ESTABLISHED BY AN ELECTRONIC TOTAL STATION AND TAPE UNLESS OTHERWISE SHOWN THERE ARE NO ENCROACHMENTS.
  3. THIS IS NOT A BOUNDARY SURVEY, PROPERTY CORNER MONUMENTS ARE NOT GUARANTEED. THIS SURVEY HAS BEEN PREPARED WITHOUT THE BENEFIT OF A TITLE REPORT AND DOES NOT PURPORT TO REFLECT ALL EASEMENTS, ENCUMBRANCES, RESTRICTIVE COVENANTS (IF ANY) OR OTHER CIRCUMSTANCES AFFECTING TITLE TO THE SUBJECT PROPERTY AND IS NOT INTENDED TO BE USED AS AN AID FOR THE CONSTRUCTION OF FENCES AND THE DESIGN OR CONSTRUCTION OF ANY OTHER IMPROVEMENTS.

#### LEGEND

○ = IRON PIPE FOUND CHIM = CHIMNEY  
-x- = FENCE O.H. = OVERHANG  
B/W = BAY WINDOW  
OHW = OVERHEAD WIRE

#### HOUSE LOCATION SURVEY

ON THE PROPERTY LOCATED AT  
#8809 ARLINGTON BOULEVARD  
DEED BOOK 20046 PAGE 1207  
FAIRFAX COUNTY, VIRGINIA  
DATE: FEBRUARY 7, 2011  
SCALE: 1" = 50'  
DRAFTED BY: RMA



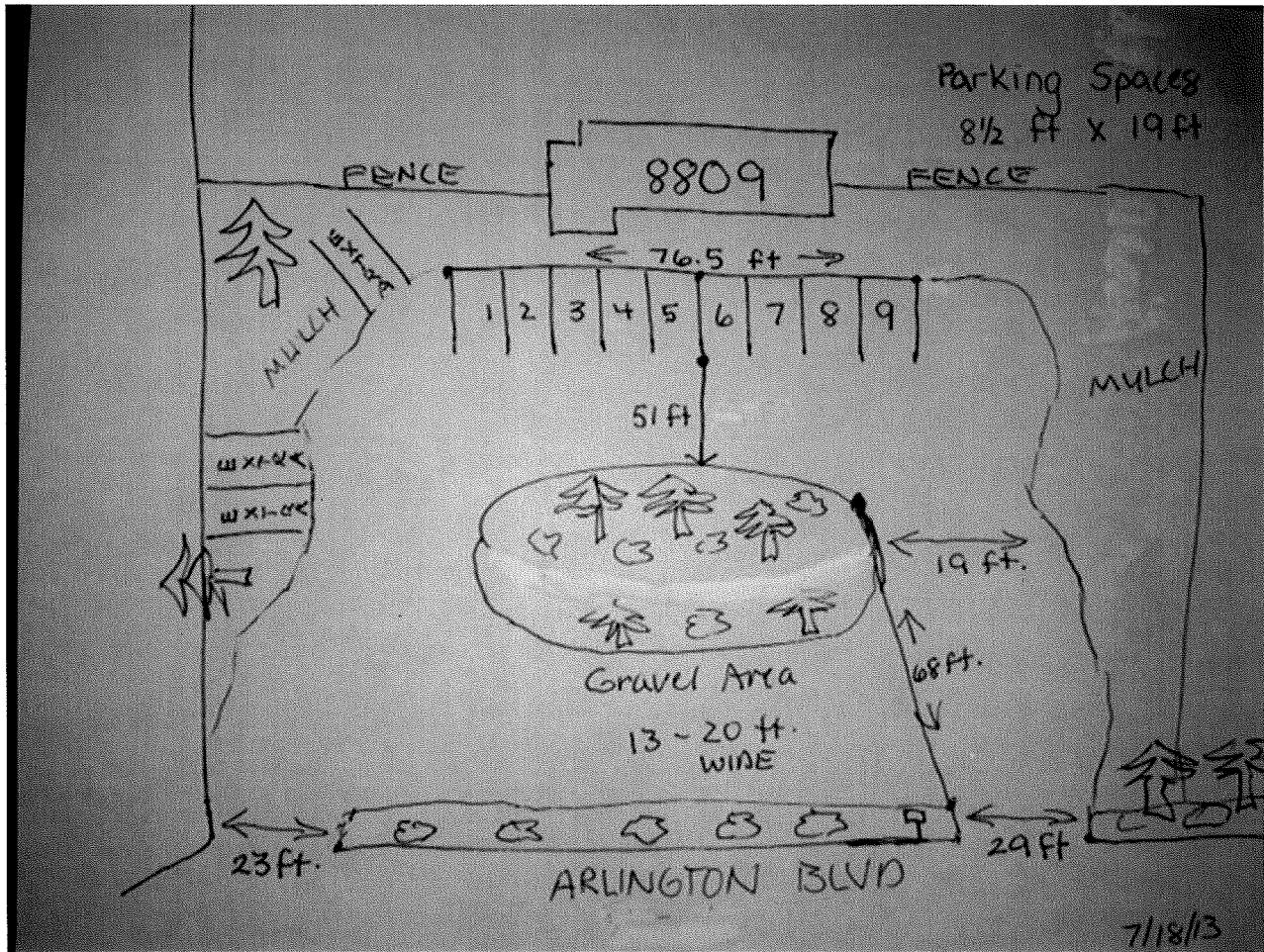
CLIENT #VNNW1101035

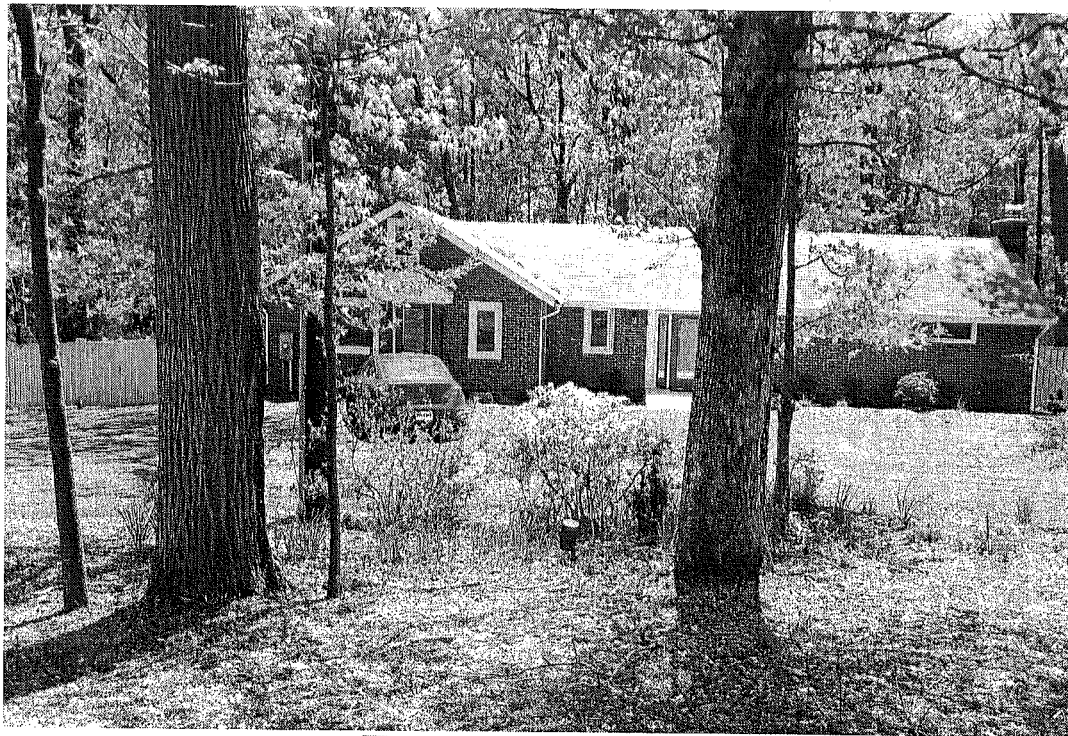
W.O. #11-144

OWNER: KNEE, TRUSTEE

BUYER: CARVER

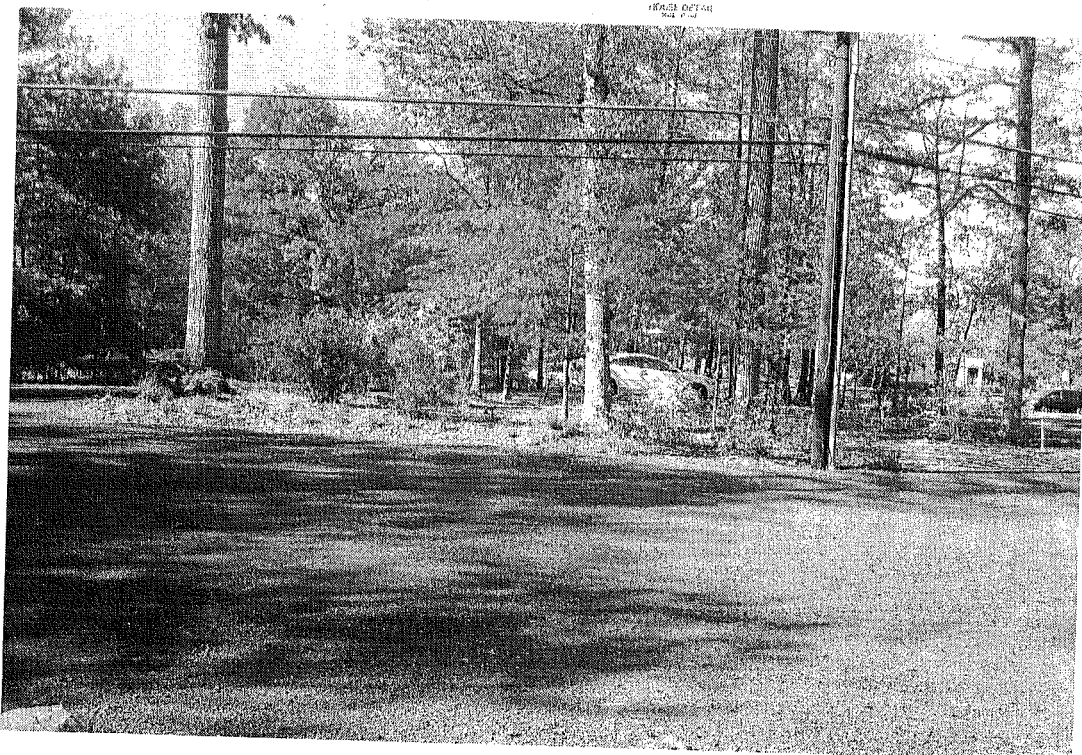
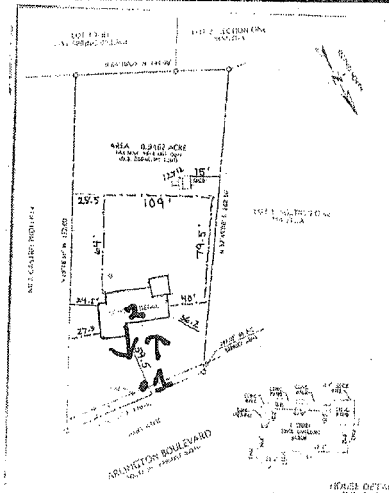
SAM WHITSON LAND SURVEYING, INC.  
7061 GATEWAY COURT SUITE 150  
MANASSAS, VIRGINIA 20109  
PHONE: (703)330-9622 FAX: (703)330-9778





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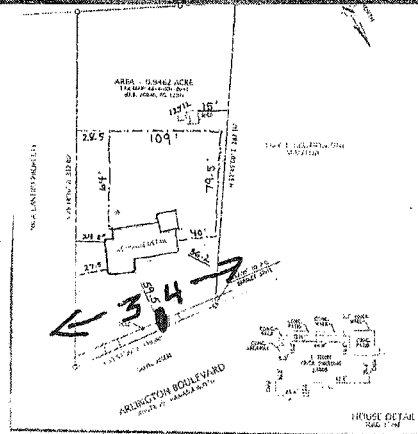
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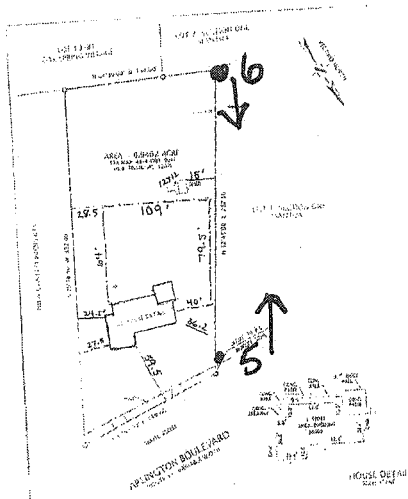
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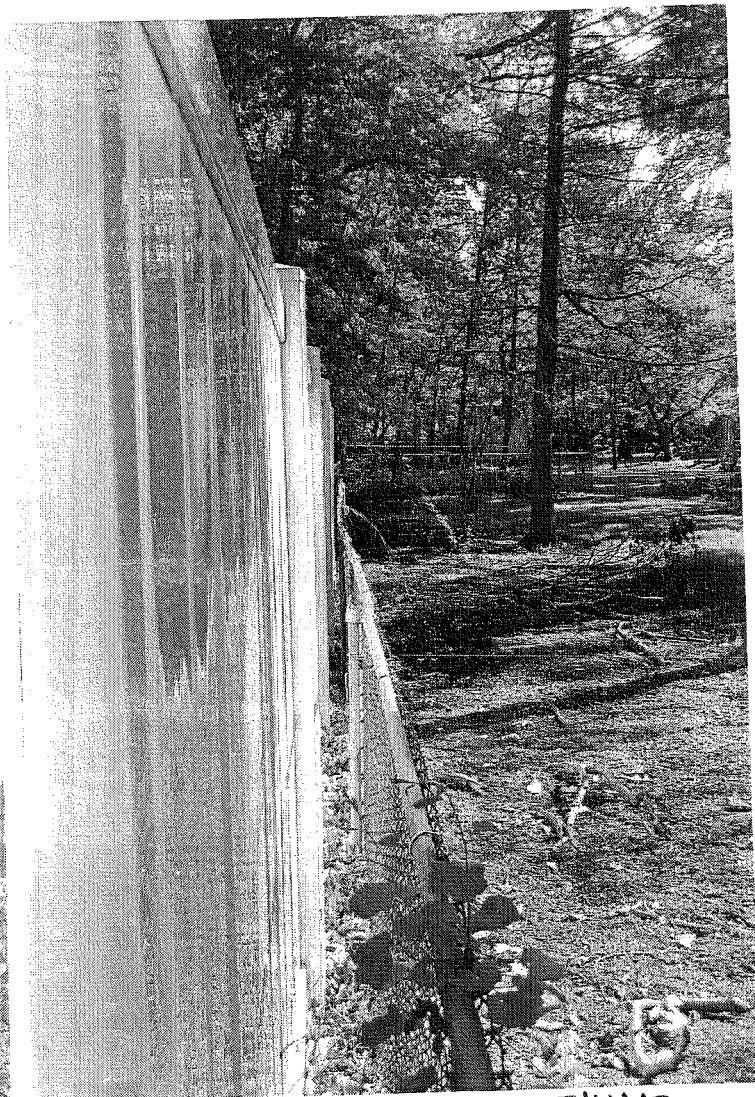


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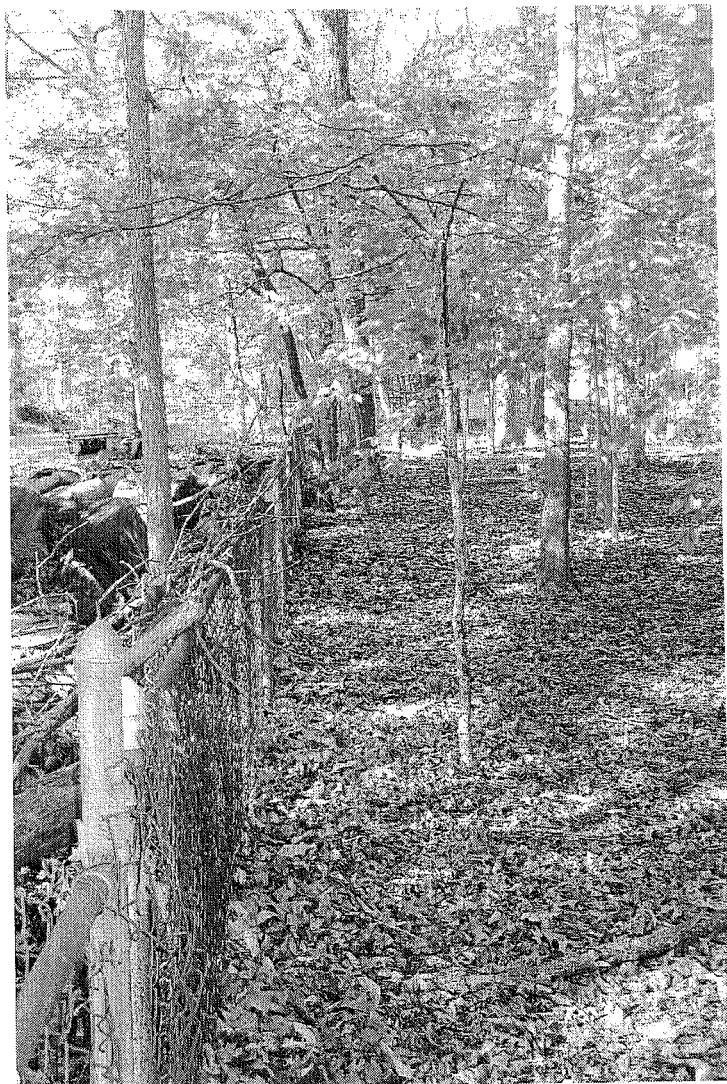
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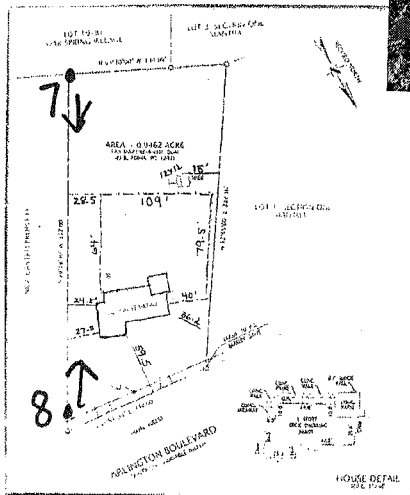
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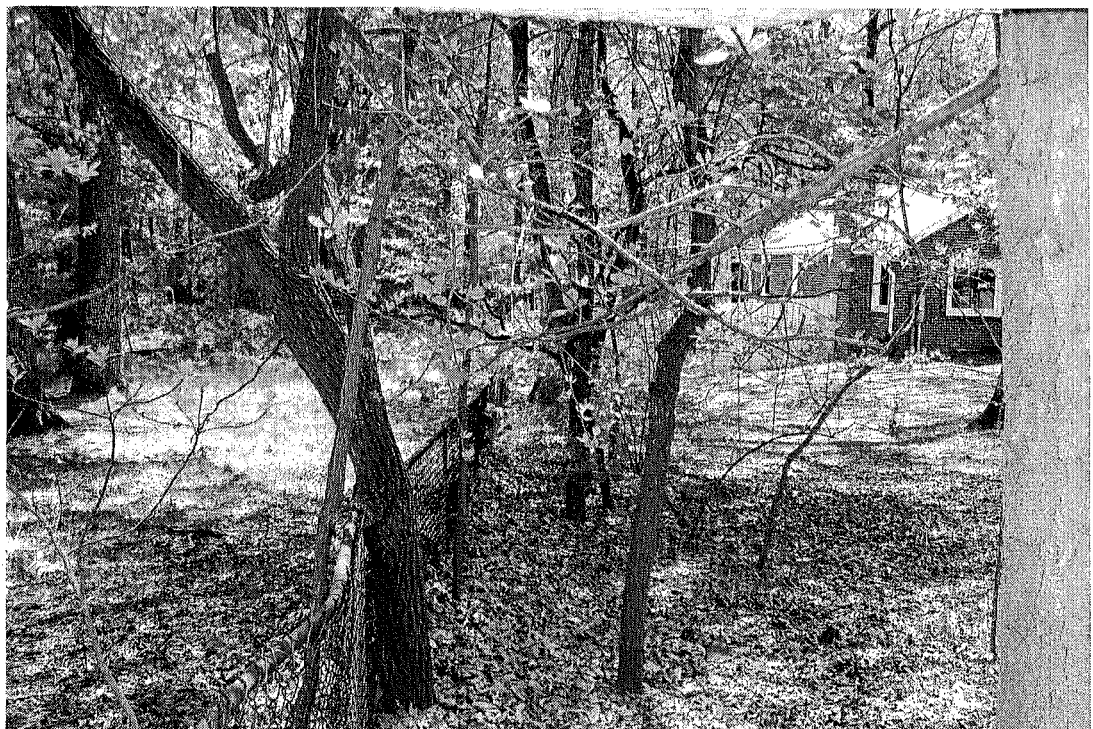
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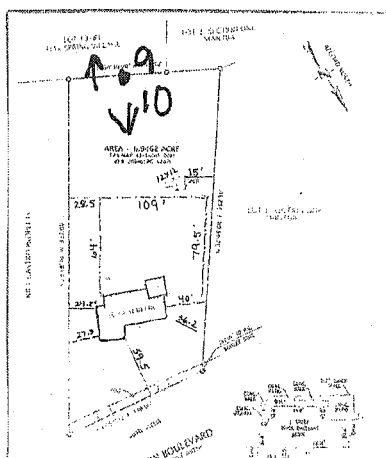


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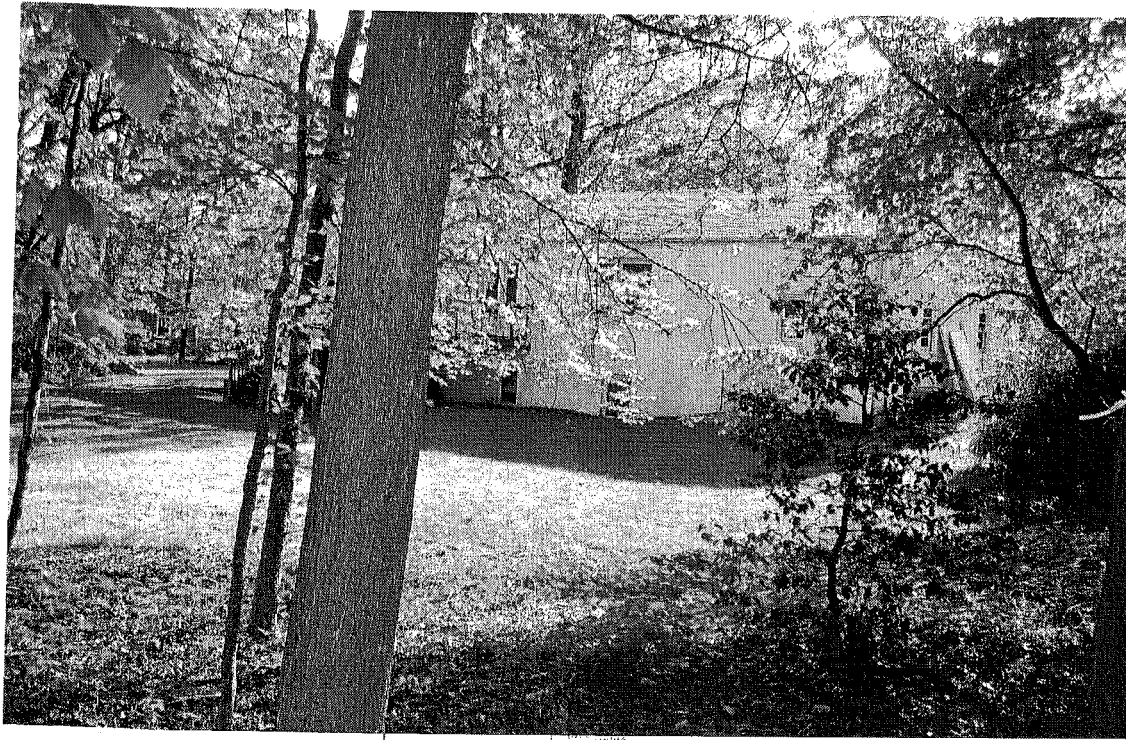
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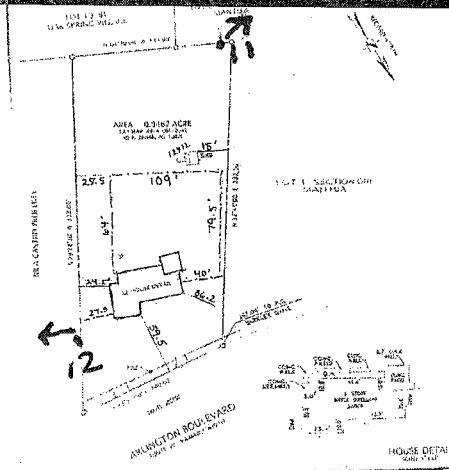
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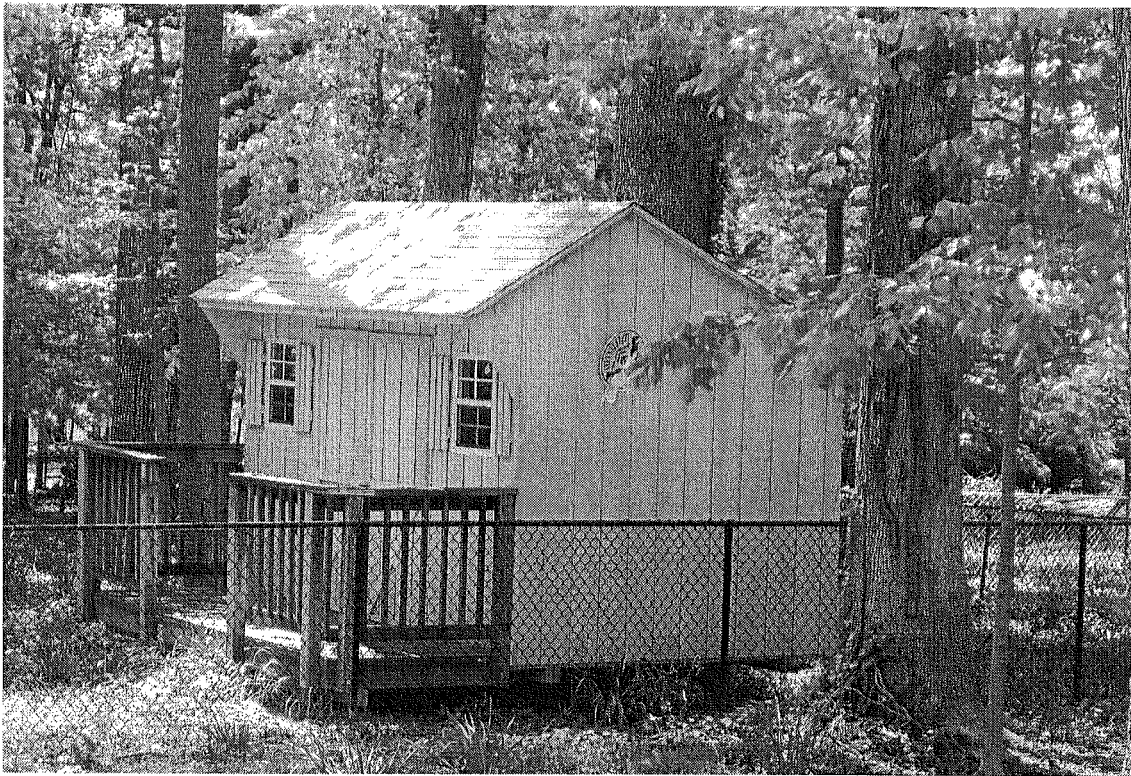
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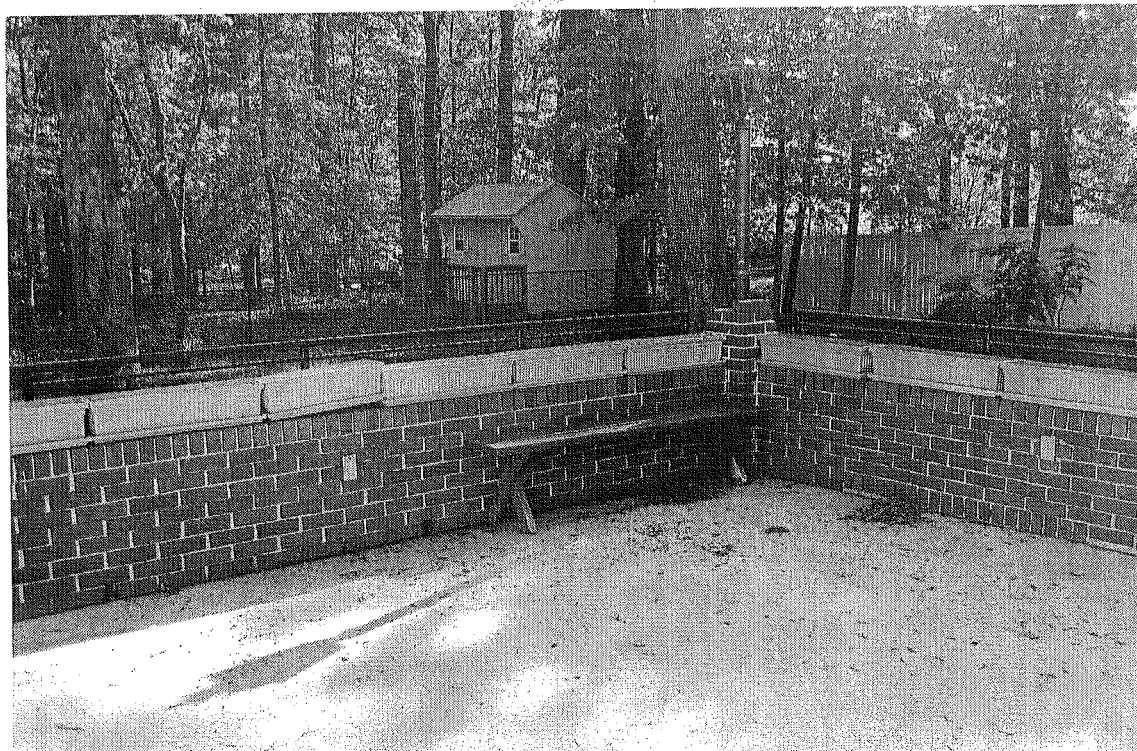
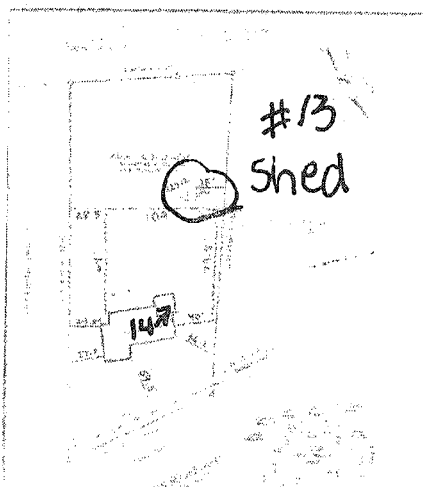
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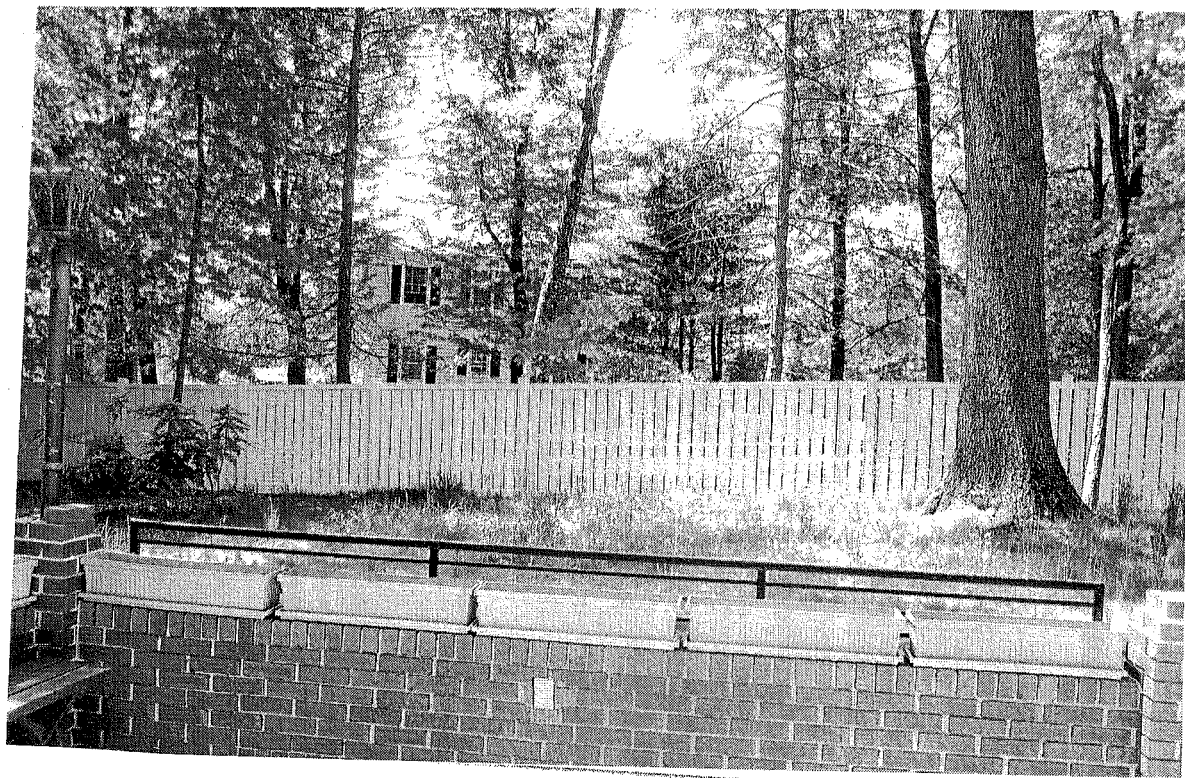
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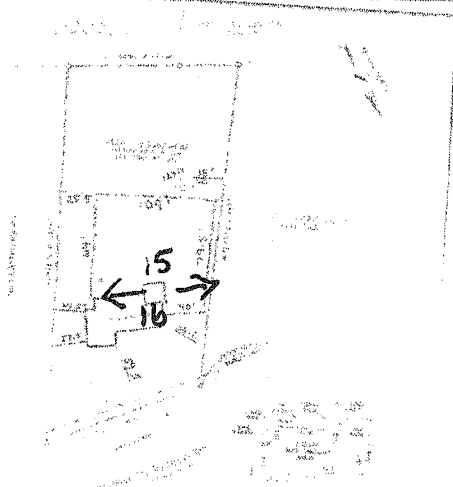
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Patio

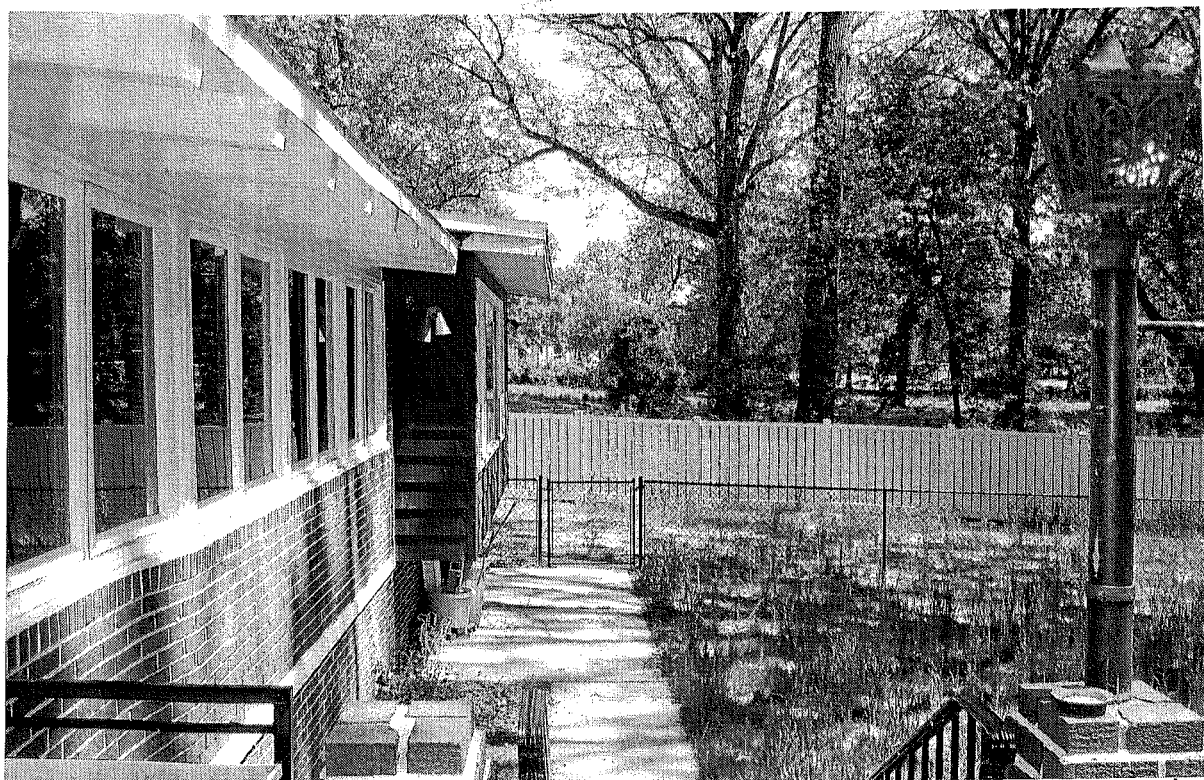
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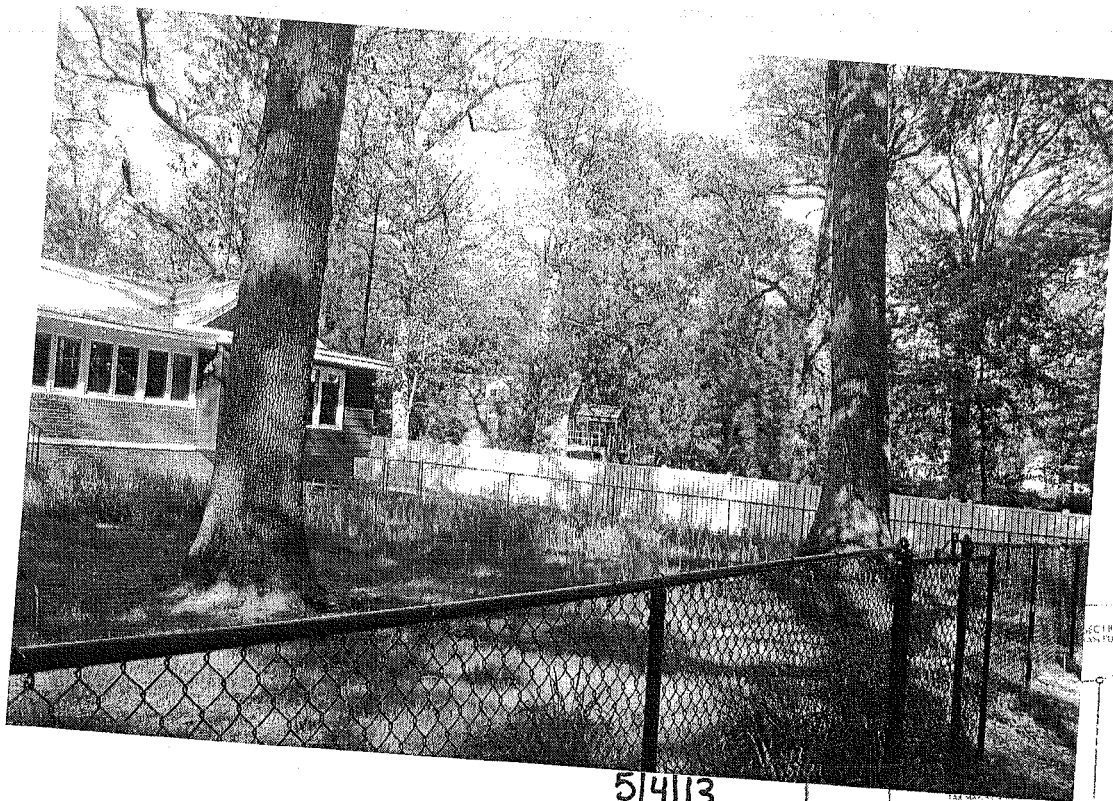
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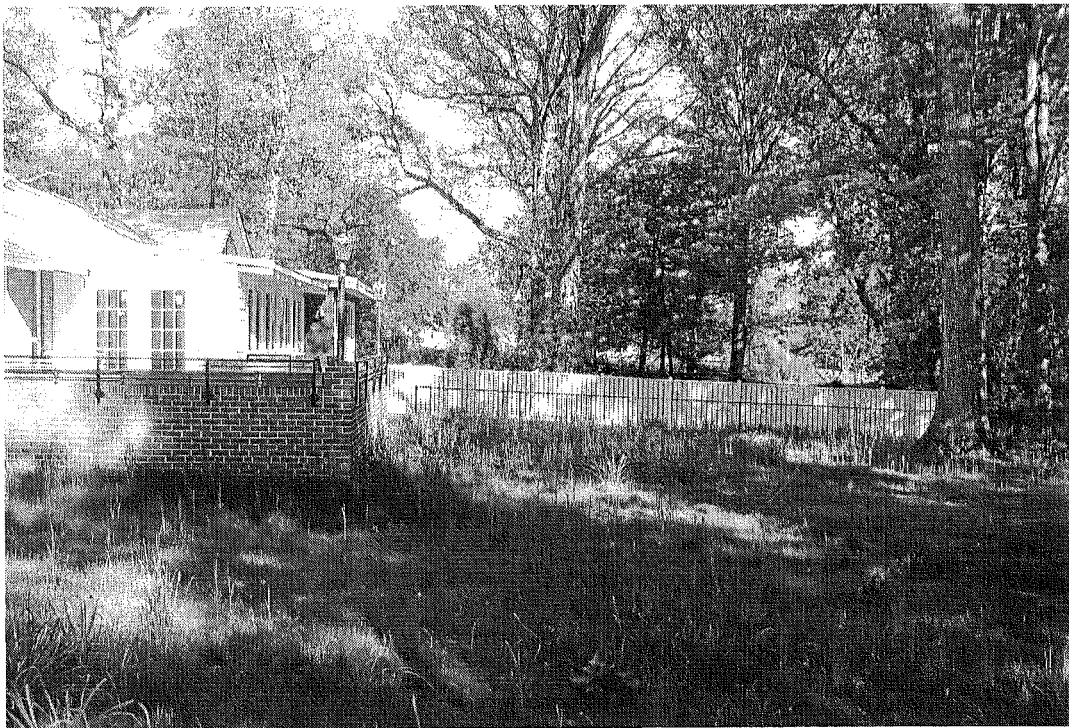
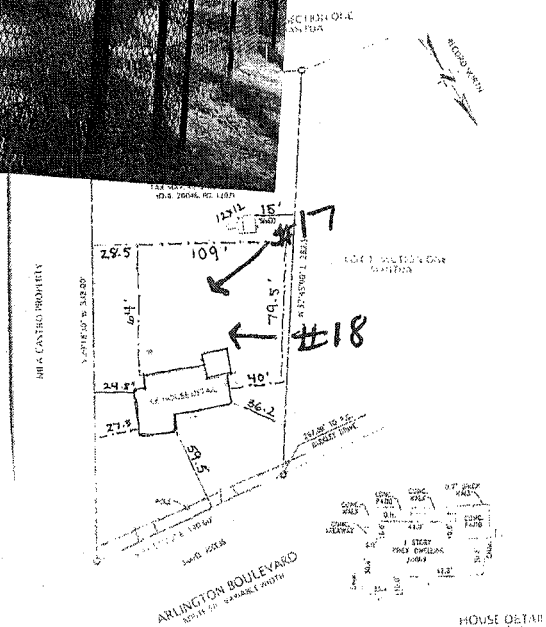
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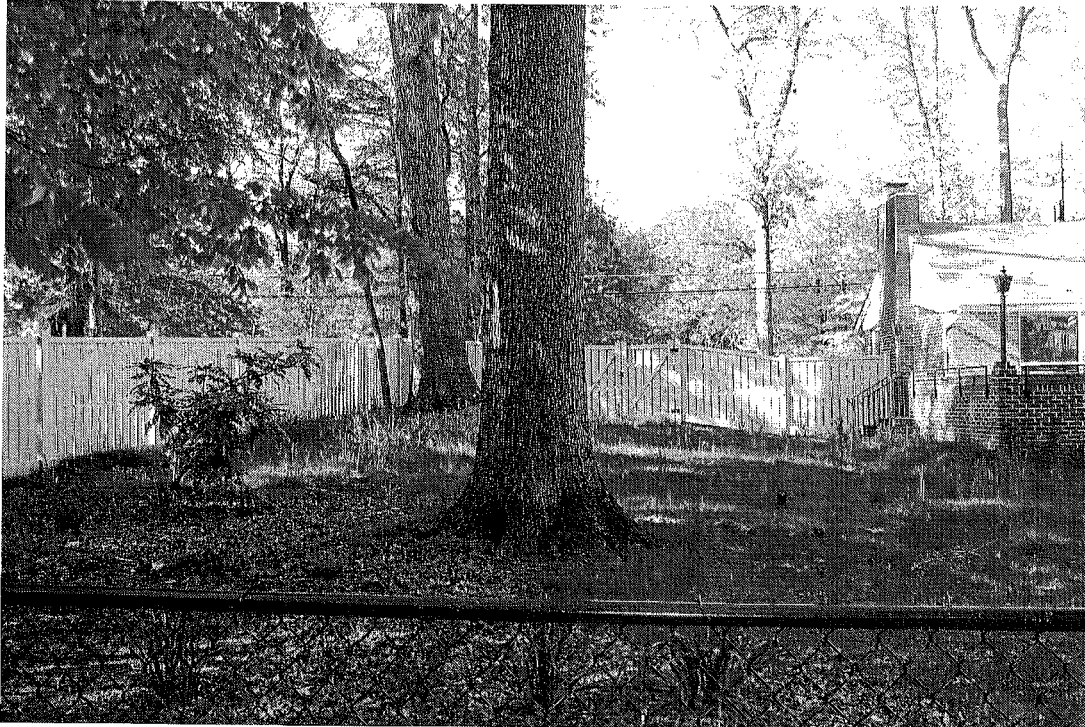
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Future  
Play Area



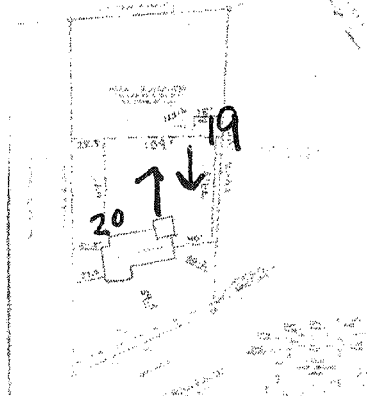
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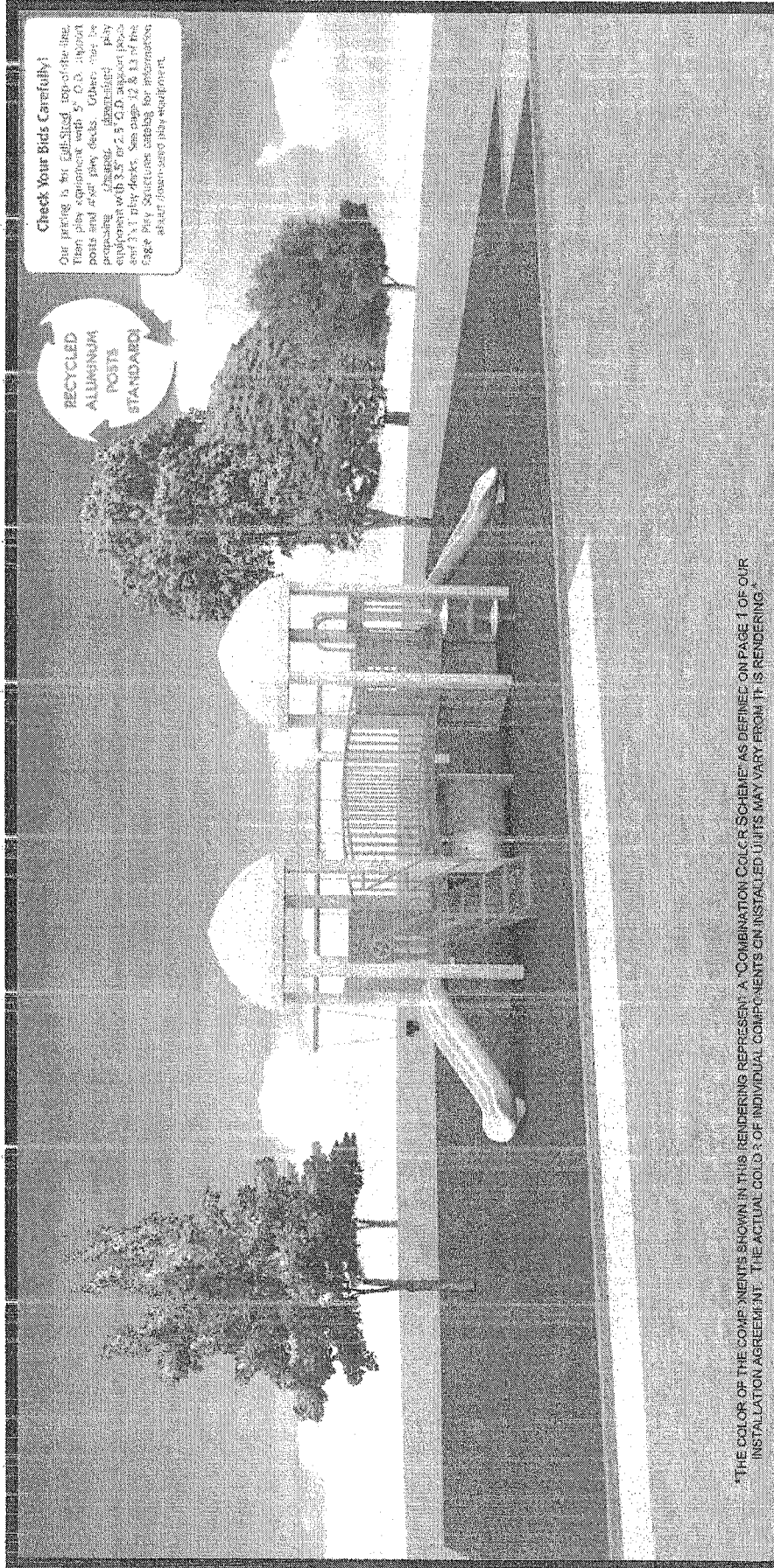
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**Check Your Bids Carefully!**  
Our pricing is for Equestrian top-of-the-line. Then play equipment with 5" O.D. support posts and steel play decks. Others may be purchasing standard, down-sized play equipment with 3.5" or 2.5" O.D. support posts and 3.1" play decks. See page 12 & 13 of the Eagle Play Structures catalog for information about down-sized play equipment.

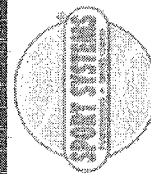
RECYCLED  
ALUMINUM  
POSTS  
STANDARD!



\*THE COLOR OF THE COMPONENTS SHOWN IN THIS RENDERING REPRESENT A "COMBINATION COLOR SCHEME" AS DEFINED ON PAGE 1 OF OUR INSTALLATION AGREEMENT. THE ACTUAL COLORS OF INDIVIDUAL COMPONENTS ON INSTALLED UNITS MAY VARY FROM THIS RENDERING.\*

## EAGLE PLAY STRUCTURES®

DIVISION OF SPORT SYSTEMS, LLC  
10078 TYLER PLACE  
IJAMSVILLE, MD 21754  
301-604-4747  
FAX 301-607-1484



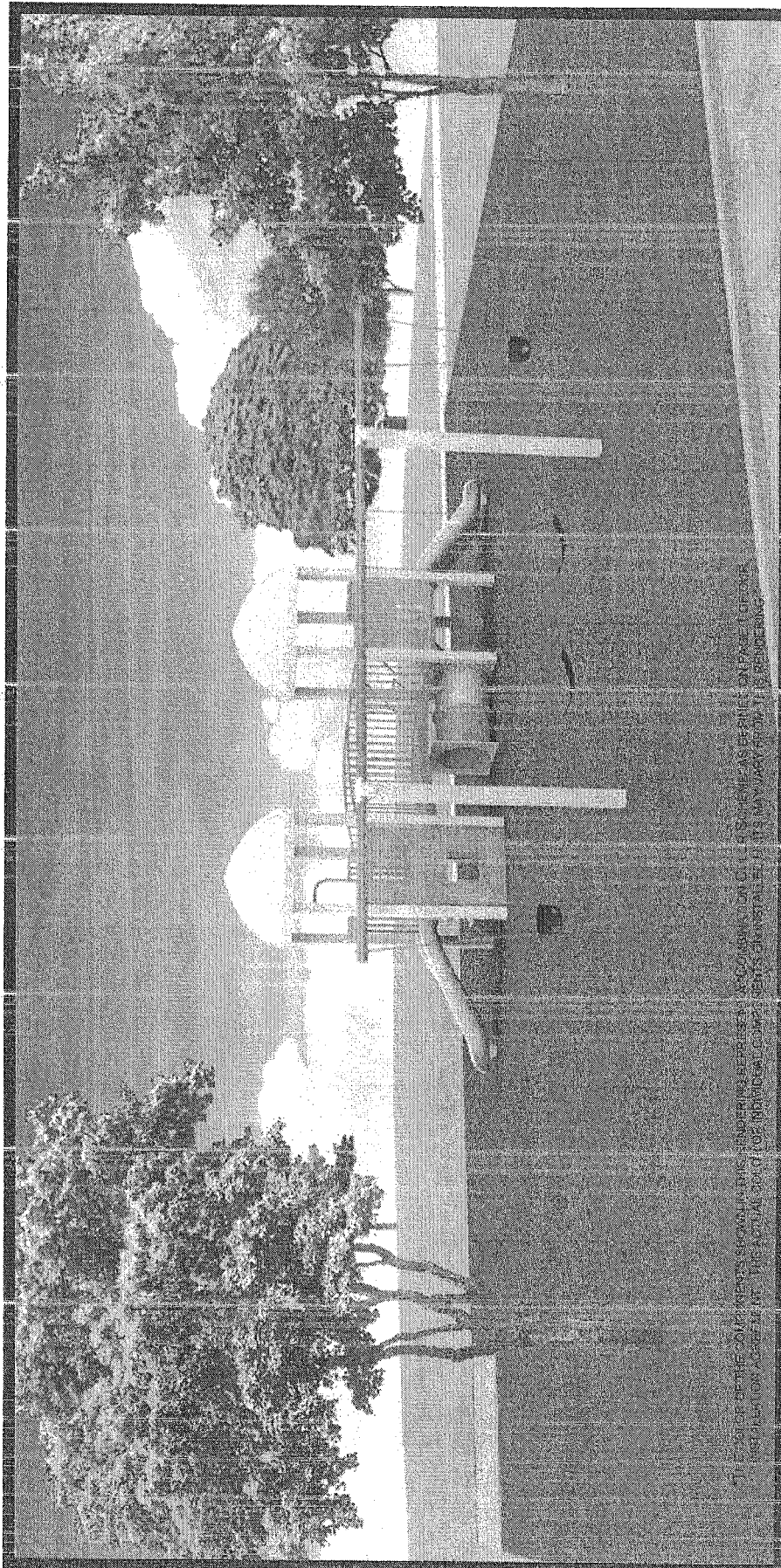
APPLE TREE Montessori  
MODEL # 13-02-TGMP

SCOTT MURPHY  
301-607-4747 ext. 17

Approved by the City of Ijamsville

MAY 06 2006

2006/05/06 10:00 AM



\*THE LIST OF THE COMPONENTS SHOWN IN THIS RENDERING REPRESENTS AN APPROXIMATION OF THE SCHEME AS PERMITTED BY THE CITY OF JAMSVILLE. THE ACTUAL COMPONENTS MAY VARY FROM THE RENDERING.

# EAGLE PLAY STRUCTURES®

DIVISION OF SPORT SYSTEMS, LLC  
 10078 TYLER PLACE  
 JAMSVILLE, MD 21754  
 301-604-4747  
 FAX 301-607-4484



APPLE TREE MONTROSSON  
 MODEL # 13-02-TGMP - VIEW 2 LLC

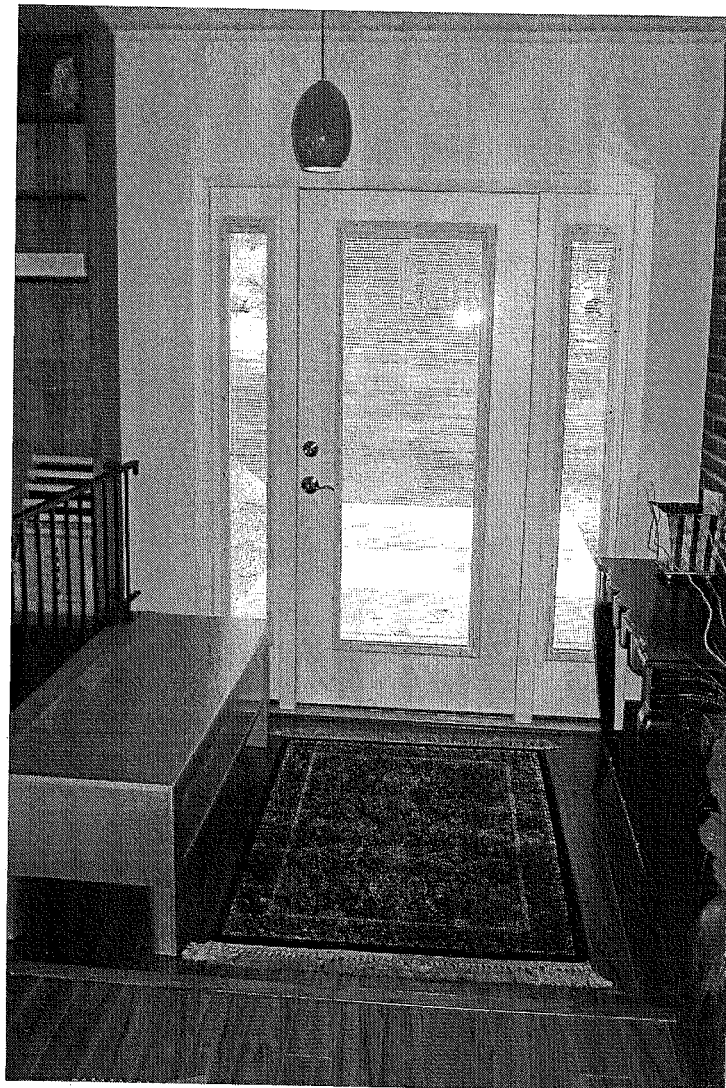
SCOTT MURPHY  
 301-607-4747 ext. 17

Depot: 10078 Tyler Place, Jamsville, MD 21754

MAY 09 2013

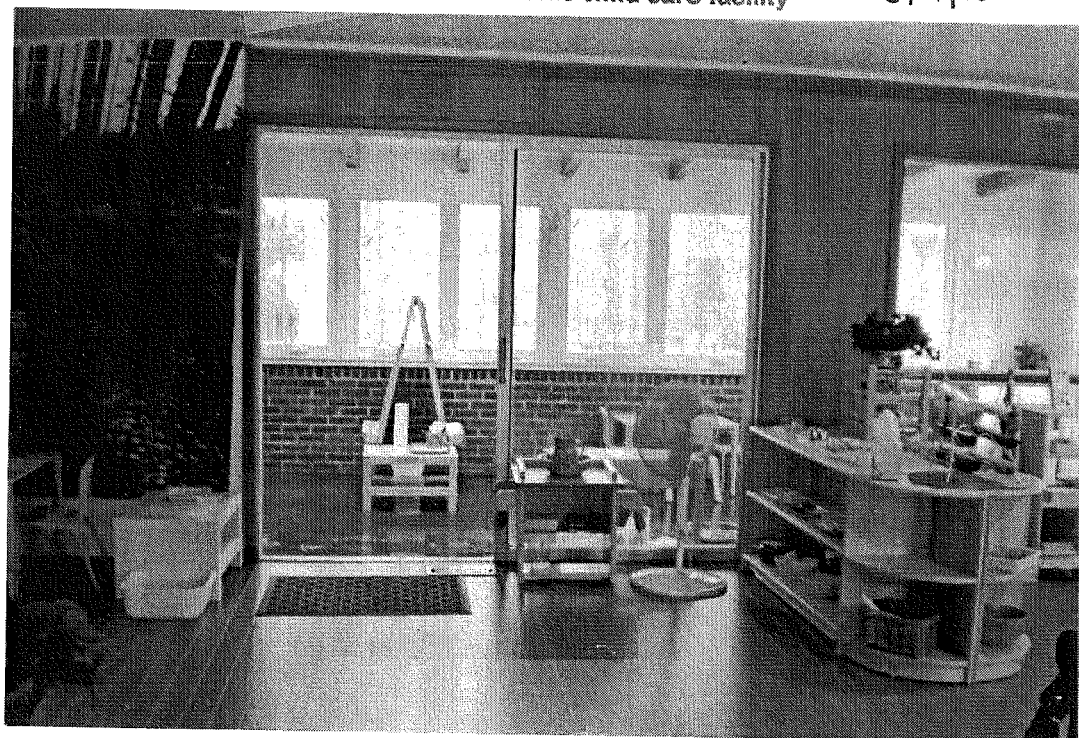
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Entrance door to home child care facility

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Home child care facility interior

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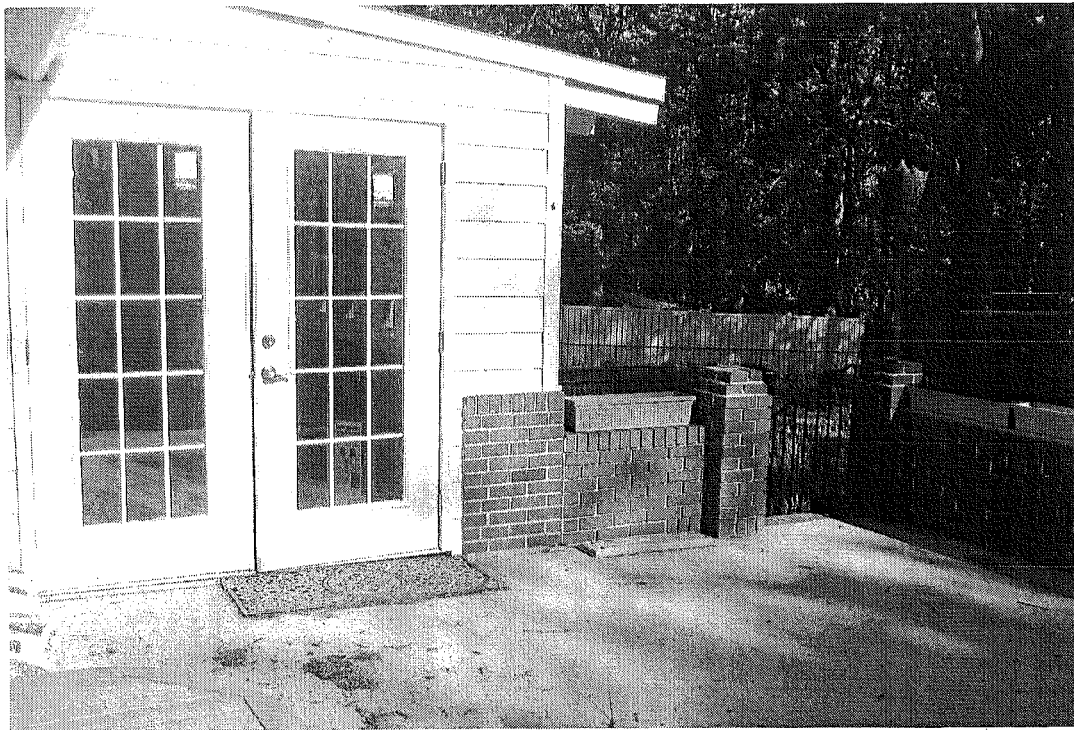
Facility Interior



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Facility Interior





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Home Child Care Facility Patio



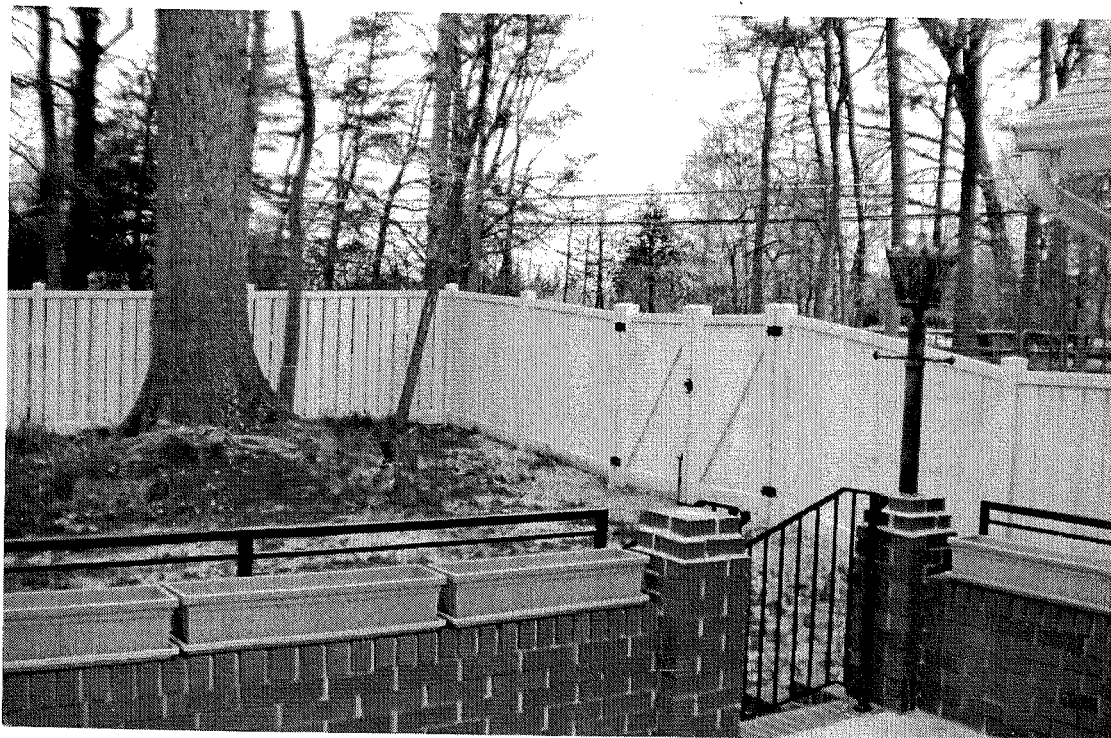
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Facility Patio



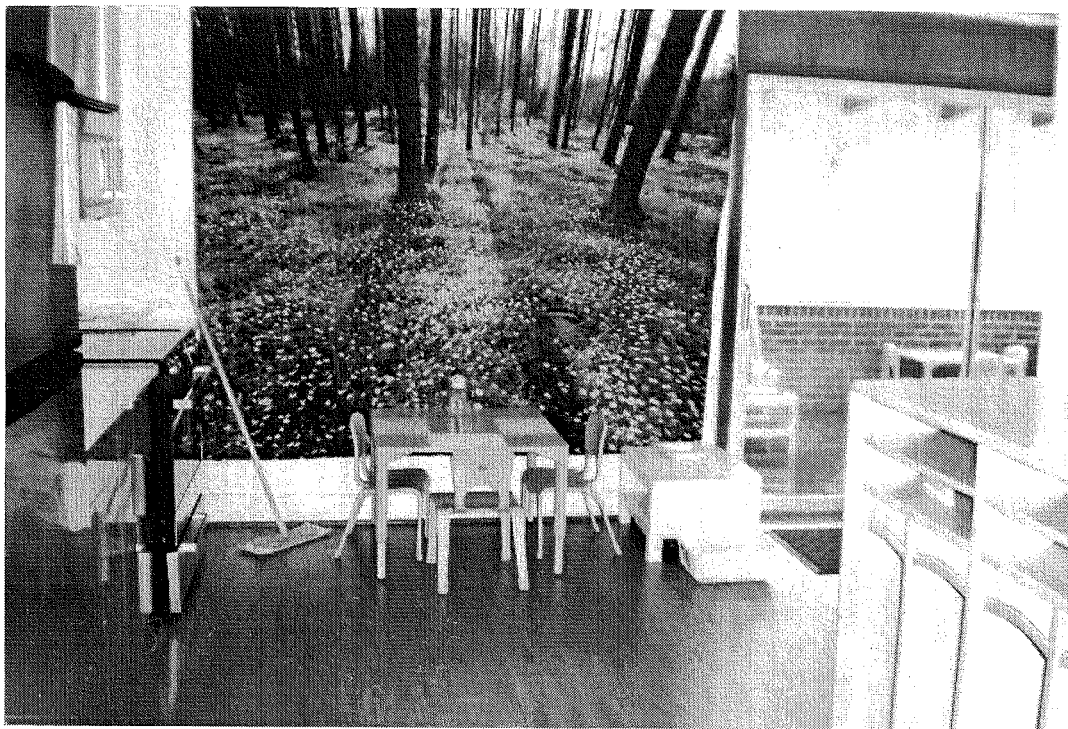
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Facility Patio



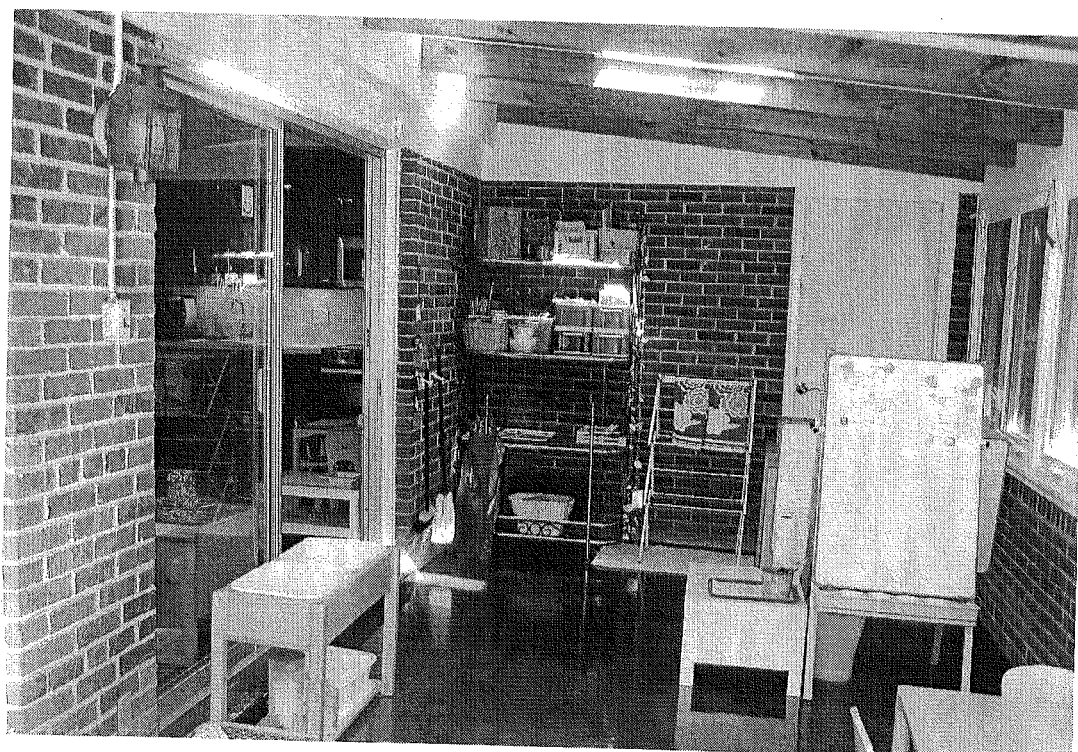
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Facility Patio



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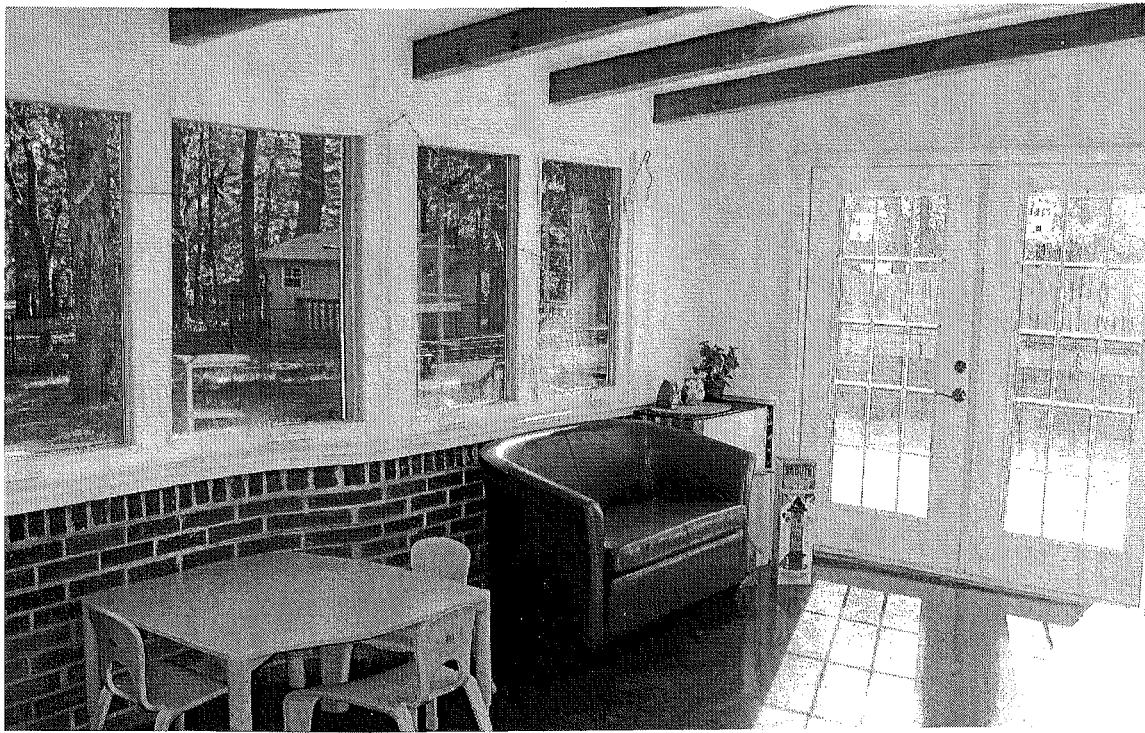
Facility Interior



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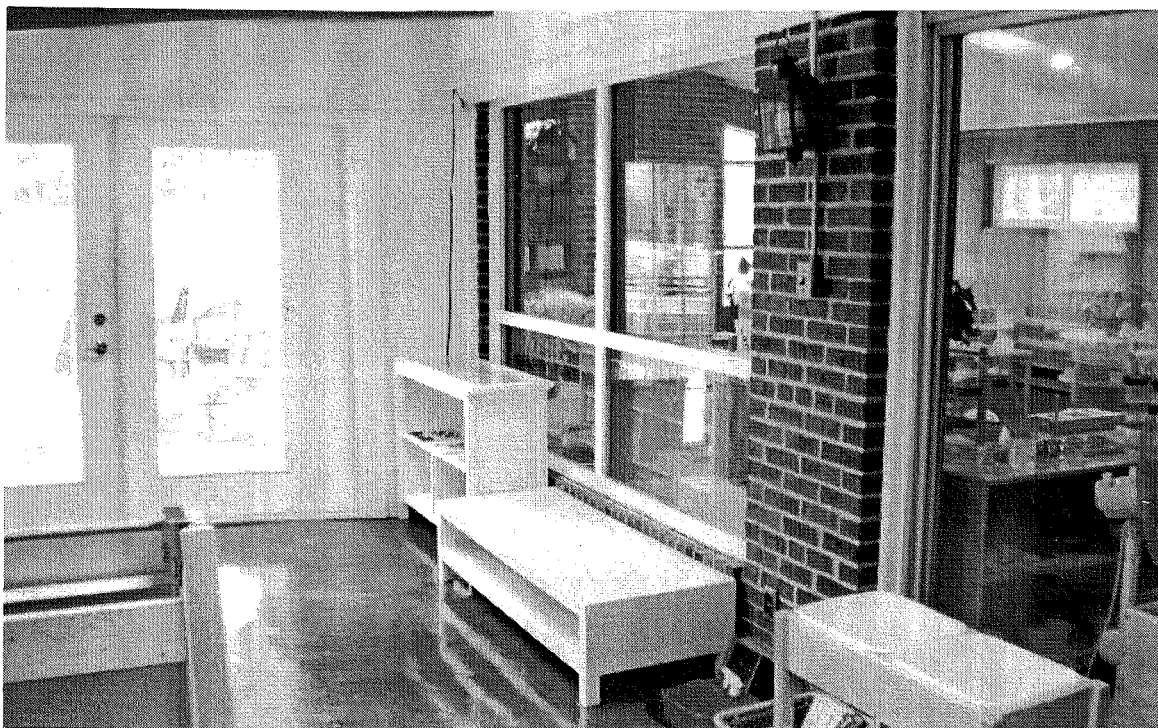
Facility Interior





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Facility Interior



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Facility Interior



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Facility Interior



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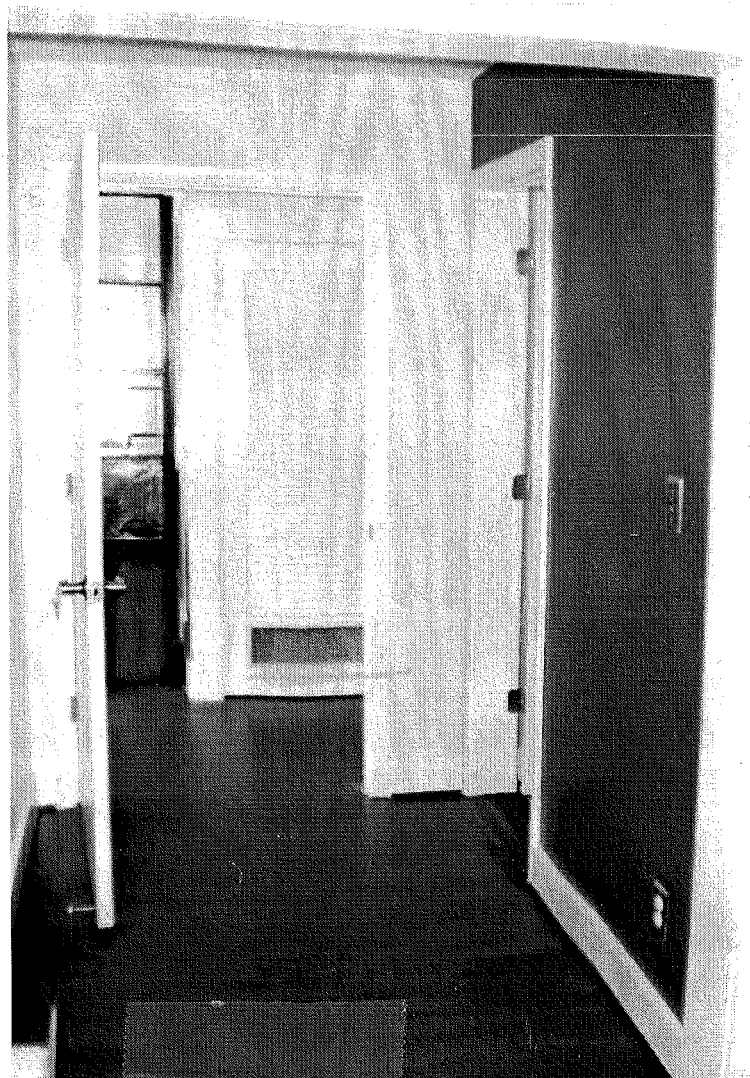
Facility Interior





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Facility Interior



Facility Interior

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Child care facility bathroom

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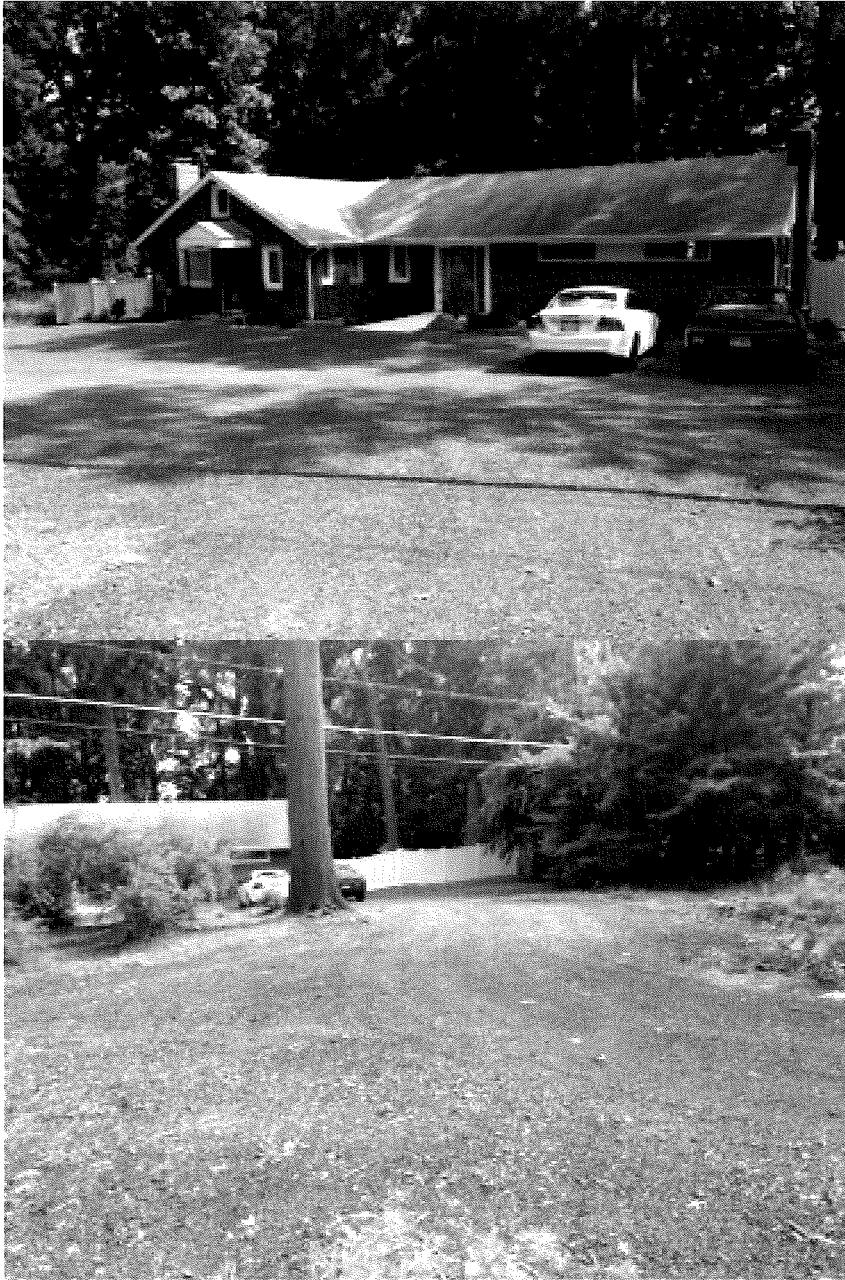






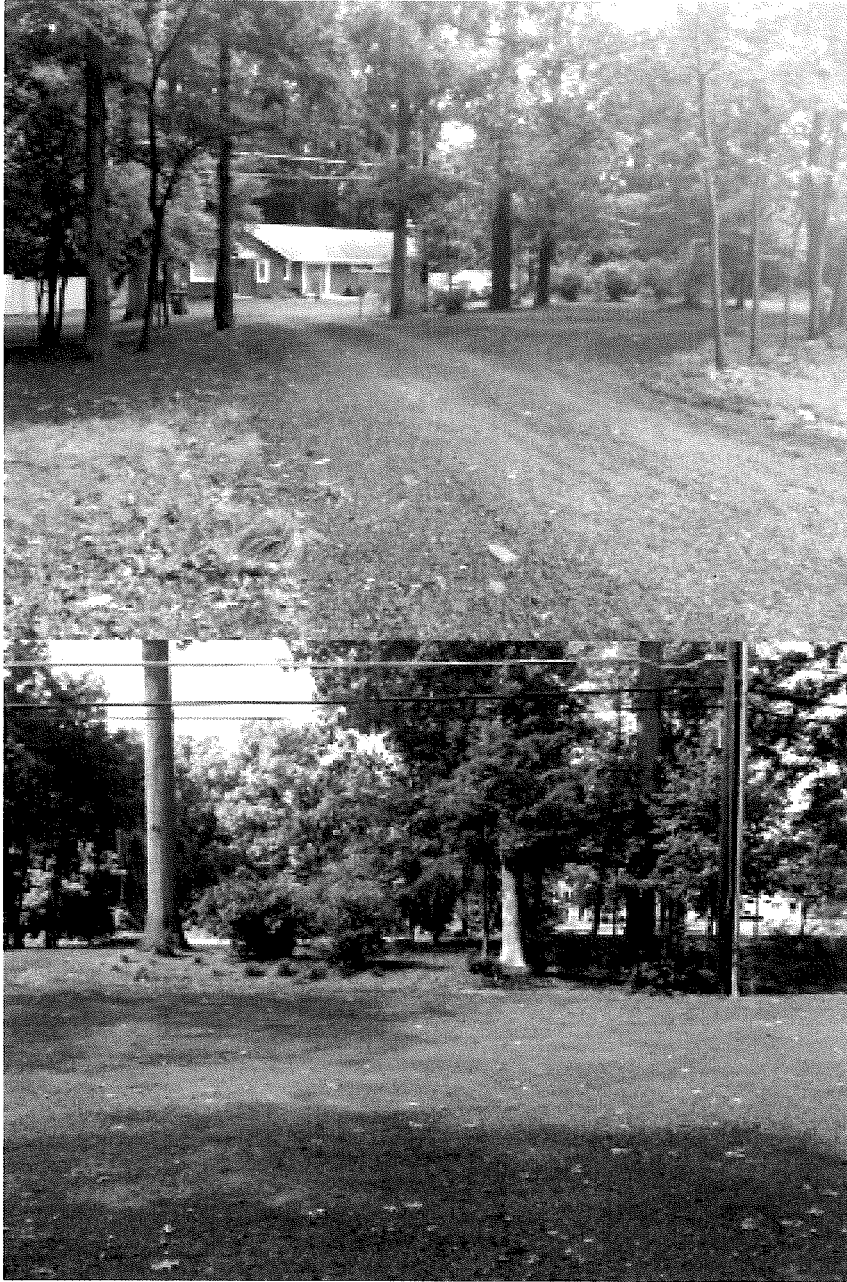


















## DESCRIPTION OF THE APPLICATION

The applicant is seeking approval of a special permit to permit a home child care facility for up to twelve (12) children at any one time.

## BACKGROUND

Fairfax County Tax Records show that the dwelling was constructed in 1945, an addition was built in 1961, and the dwelling was renovated in 2011. The applicant purchased the property in 2011.

Records indicate there were no other similar applications for properties in the vicinity of the application site heard by the BZA.

## EXISTING SITE DESCRIPTION

The site is developed with a one story brick house. An accessory storage structure (shed) 144 square feet in area and 10 feet high is located to the south of the dwelling. A concrete patio and walkway are located in the rear yard of the house. A concrete stoop, walkway, and patio are located in the front yard. Most of the existing front yard consists of a circular gravel driveway and parking area. A partially-finished basement is used for the resident's storage and recreation. A great room and sunroom are furnished and supplied for use by the child care.

An approximately 8,600 square foot area of the rear yard has been enclosed with a four foot chain link fence to be used as a play area for the child care. A swing set and sand box have been placed within this area of the yard and the resident plans to install a play structure, as shown in the photos. A gate will allow monitored access to the rest of the wooded rear yard.

Surrounding Property Description		
Direction	Use	Zoning
North	Single Family Detached	R-1
South	Single Family Detached	R-1
East	Single Family Detached	R-1
West	Single Family Detached	R-1



**COMPREHENSIVE PLAN PROVISIONS**

**Plan Area:** Area II, Fairfax Planning District  
**Planning Sector:** Mantua Community Planning Sector (FA02)  
**Plan Map:** Residential use at 1-2 dwelling unit/acre (du/ac)

**ANALYSIS**

**Special Permit Plat** (Copy at front of staff report, followed by an appendix submitted by the applicant July 18, 2013)

**Title of SP Plat:** House Location Survey on the property located at #8809 Arlington Boulevard

**Prepared by:** Sam Whitson Land Surveying, Inc., dated February 7, 2011,  
revised by Thea W. Meinen, dated June 11, 2013

**Proposed Use:**

The applicant is requesting approval of a special permit for a home child care facility for up to twelve (12) children on site at any one time between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday. The children are expected to arrive at staggered times between 7:00 a.m. and 9:15 a.m. and depart between 3:00 p.m. and 6:00 p.m. Employees will include the resident of the property and two part-time non-residential employees who will drive to the property.

The applicant is in the process of obtaining a state child care license from the Commonwealth of Virginia, Department of Social Services for a Family Day Home. The license requested would permit a capacity of 12 children, aged birth through 12 years.

The house is a one story single family dwelling. The home child care facility will be mainly operated in the great room and sun room in the western portion of the house, which includes a kitchen and a bathroom. There is a fenced play yard and a concrete patio where the children play outside. A chain link fence four feet in height encloses a large portion of the lot within which is an outdoor play area, as shown on the special permit plat. The applicant has installed a sand box, swing set, and has plans to install a play structure.

The applicant submitted an appendix to the special permit plat that shows estimated parking for 9-12 vehicles. However, after the Virginia Department of Transportation (VDOT) reviewed the plat appendix and accompanying photos, they state that the area will provide parking for 7 vehicles, which they believe to be sufficient for the proposed use.

## **Transportation Analysis (Appendices 4 and 5)**

The Fairfax County Department of Transportation (DOT) and VDOT both have concerns about the property's ability to provide safe and adequate access to Route 50. Though the request is for a home child care use, up to 12 children would be permitted on site at any one time. There could be many more than 12 children coming and going through the site over the course of a day. Route 50 is a heavily traveled roadway and the property is nearby, but not at, two intersections. One of the intersections is Barkley Drive, and is a lighted intersection, and the other intersection is at Chichester Lane, which is unlighted but allows for U-turns. Parents coming and going from the site will be required to make U-turns and will have to quickly cut across several lanes of traffic to do so. Additionally, the circular gravel driveway and entrance and exit points for the property are all in VDOT right-of-way and not actually on the application property. The four main safety concerns of DOT and VDOT include:

### Sight Distance Issue

The sight distances for the existing entrances to the circular driveway are partially blocked by vegetation. At a minimum, this vegetation should be removed to provide safe egress from the property. A revised plat would need to be provided to show any such design proposal. VDOT should also be consulted on the amount and type of work allowed to be done in the right-of-way.

As part of the Plat appendix, the applicant provided photos showing that some of the vegetation had been removed around the entrances to the property. However, due to the short amount of time before the hearing, staff has not had an opportunity to analyze this improvement or to consult with VDOT about what would amount to an adequate sight distance clearance.

### Gravel Driveway

The existing driveway is gravel and there is no improved transition from Route 50 to the property. When development plans change access points or add traffic to access points, VDOT has the authority to require access improvements to their public streets. In this case, VDOT recommends that, at minimum, these entrances should be paved so that visitors to the property can more safely enter the high volume, high speed traffic on Route 50 without spinning out or tracking gravel onto the roadway. DOT also recommends upgrading the access to Route 50 to commercial access standards.

### Right-Turn Lane Necessity

Whenever an update to an access point is proposed, VDOT checks to see if turn lanes, tapers, or a turn radius are warranted. VDOT's memo states that the potential need for a right-turn lane into the site needs to be analyzed and appropriately addressed. DOT also states that the applicant must provide an analysis to determine if an eastbound right turn lane, or right turn taper or a radius, is warranted on Route 50 at the site access. If warranted, the applicant would be required to construct the frontage

improvement.

### Left-Turn Capability

According to DOT, the right-in/right-out site access would encourage additional U-turns on Route 50 at Barkley Drive and at Chichester Lane. The traffic signal at Barkley Road (for the westbound left approach to the property) provides both a green ball (lefts permitted) and a green arrow (left turns protected) for the additional U-turns expected for the child care customers. DOT requests that the applicant determine if a signal head redesign is needed to eliminate the green arrow option and just have a green ball for left turns and U-turns. There is currently a right turn arrow for northbound traffic that activates simultaneously with the westbound left arrow. This creates a right-turn phase overlap and could create conflicts with traffic making a U-turn at the same time traffic is making a right-turn onto Route 50. DOT researched traffic data from 2006-2010 and determined that the number of accident reports from the section of road between Barkley Road and Chichester Lane was high enough (33 reports) to warrant a concern for the safety of vehicles entering and leaving the property and vehicles traveling on Route 50.

### Summary of Transportation Issues

Due to the high traffic volume and high number of accident reports on Route 50, at this time staff does not believe that safe and adequate access can be guaranteed to the project site. Several improvements must be analyzed and implemented to ensure that they meet DOT and VDOT's requirements. It is likely that the applicant will need to provide commercial grade access at the entry and exit points of the site, provide improved right-turn capability into the site, provide VDOT-approved sight distance clearance, and provide signal improvements to reduce the dangers of making U-turns at the intersections near her property.

### **Health Department Analysis (Appendix 6)**

Staff at the Fairfax County Health Department reviewed the application, and determined that they could not approve the proposal for a home child care facility. The septic system was installed in the 1950's and designed to serve a 2 bedroom home (300 gallons per day (gpd) of wastewater). Adding a proposed enrollment number of 14 people at the site (12 children and 2 staff) could bring the total amount of wastewater to 440 gpd, which is 50 percent more than the system's original design. Based upon these numbers and the age of the existing system, the Health Department does not believe the existing system could support the additional waste that would be generated by the proposed use.

The applicant has indicated that she has a report from another source showing that her septic system would be adequate to support the use. However, Zoning Department staff has not yet seen this report and as of this time, it has not been reviewed by Health Department staff.



## ZONING ORDINANCE REQUIREMENTS

### Special Permit Requirements (Appendix 7)

- Sect. 8-006 General Special Permit Standards
- Sect. 8-303 All Group 3 Uses
- Sect. 8-305 Additional Standards for Home Child Care Facilities

### Summary of Zoning Ordinance Provisions

This special permit is subject to Sects. 8-006, 8-303, and 8-305 of the Zoning Ordinance as referenced above, a copy of which is included in Appendix 6. *Staff finds that the applicant does not meet 8-006 General Standard 2, 8-006 General Standard 4, or 8-006 General Standard 7.*

Standard 2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

*Staff finds that with the extent of paving in the front yard and amount of parking directly in front of the dwelling that the existing use is not in harmony with the purpose or intent of a residential, R-1 zoning district.*

Standard 4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

*DOT and VDOT have both raised several concerns that site conditions and vehicular traffic associated with the proposed home child care use would create hazardous situations and conflict with the existing traffic in the neighborhood.*

Standard 7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

*The Fairfax County Health Department has determined that the existing septic system could not support the additional waste generated by the proposed use of a home child care facility of up to 12 children and 2 additional employees. Therefore, adequate utility facilities could not be guaranteed to be provided.*

## CONCLUSION AND RECOMMENDATIONS

Staff believes that the applicant does not meet all applicable standards for home child care special permits. Staff recommends denial of SP 2013-PR-044.

However, should the Board find that the application is in conformance with the

applicable Zoning Ordinance provisions, staff recommends the adoption of the Proposed Development Conditions contained in Appendix 1 of the staff report.

It should be noted that it is not the intent of staff to recommend that the Board, in adopting any conditions, relieve the applicant/owner from compliance with the provisions of any applicable ordinances, regulations, or adopted standards.

It should be further noted that the content of this report reflects the analysis and recommendations of staff; it does not reflect the position of the Board of Zoning Appeals.

The approval of this application does not interfere with, abrogate or annul any easements, covenants, or other agreements between parties, as they may apply to the property subject to the application.

## **APPENDICES**

1. Proposed Development Conditions
2. Applicant's Affidavit
3. Applicant's Statement of Justification
4. Memos from Fairfax County Department of Transportation
5. Memos from Virginia Department of Transportation
6. Memo from Fairfax County Health Department, dated July 26, 2013
7. Applicable Zoning Ordinance Provisions

**PROPOSED DEVELOPMENT CONDITIONS****July 31, 2013**

If it is the intent of the Board of Zoning Appeals to approve SP 2013-PR-044 located at Tax Map 48-4 ((1)) 0041 for a home child care facility with up to 12 children pursuant to Section 3-403 and 8-305 of the Fairfax County Zoning Ordinance, staff recommends that the Board condition the approval by requiring conformance with the following development conditions.

1. This approval is granted to the applicant, Appletree Montessori, LLC, only and is not transferable without further action of the Board, and is for the location indicated on the application, 8809 Arlington Boulevard, and is not transferable to other land.
2. This special permit is granted only for the purpose(s), structure(s) and/or use(s) indicated on the House Location Survey prepared by L.S. Whitson of Sam Whitson Land Surveying, Inc., dated February 7, 2011, and approved with this application, as qualified by these development conditions.
3. A copy of this Special Permit SHALL BE POSTED in a conspicuous place on the property of the use and be made available to all departments of the County of Fairfax during the hours of operation of the permitted use.
4. The maximum hours of operation of the home child care facility shall be limited to 7:00 a.m. to 6:00 p.m., Monday through Friday.
5. The dwelling that contains the child care facility shall be the primary residence of the applicant.
6. The maximum number of children on site at any one time shall be twelve, excluding the applicant's own children.
7. A minimum of seven (7) parking spaces shall be provided on the subject parcel within areas of existing paving, as well as a turnaround area.
8. There shall be no signage associated with the home child care facility.
9. The ingress/egress points to the site shall be provided and upgraded as determined by the Virginia Department of Transportation (VDOT) and/or the Fairfax County Department of Transportation (FDOT) to meet commercial access standards.
10. Adequate sight distance shall be provided as determined by VDOT/FDOT to meet their standards.



11. If determined necessary by VDOT/FDOT, an analysis shall be provided to determine if an eastbound right-turn lane, or right-turn taper or radius, is warranted on Route 50 at the site access.
12. The septic system shall be upgraded as needed to meet the requirements of the Fairfax County/Health Department standards.

This approval, contingent upon the above-noted conditions, shall not relieve the applicant from compliance with the provisions of any applicable ordinances, regulations or adopted standards.

Pursuant to Sect. 8-015 of the Zoning Ordinance, this special permit shall automatically expire, without notice, thirty (30) months after the date of approval unless the use has been established as outlined above. The Board of Zoning Appeals may grant additional time to establish the use if a written request for additional time is filed with the Zoning Administrator prior to the date of expiration of the special permit. The request must specify the amount of additional time requested, the basis for the amount of time requested and an explanation of why additional time is required.

Application No.(s):

SP 2013-PR-044

(county-assigned application number(s), to be entered by County Staff)

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

5.4.2013

(enter date affidavit is notarized)

I, Thea W. Meinen, do hereby state that I am an  
 (enter name of applicant or authorized agent)

(check one)

☐  
☒

applicant

applicant's authorized agent listed in Par. 1(a) below

121053

and that, to the best of my knowledge and belief, the following is true:

- 1(a). The following constitutes a listing of the names and addresses of all **APPLICANTS, TITLE OWNERS, CONTRACT PURCHASERS, and LESSEES** of the land described in the application,\* and, if any of the foregoing is a **TRUSTEE,\*\*** each **BENEFICIARY** of such trust, and all **ATTORNEYS** and **REAL ESTATE BROKERS**, and all **AGENTS** who have acted on behalf of any of the foregoing with respect to the application:

(NOTE: All relationships to the application listed above in **BOLD** print must be disclosed. Multiple relationships may be listed together, e.g., **Attorney/Agent, Contract Purchaser/Lessee, Applicant/Title Owner**, etc. For a multiparcel application, list the Tax Map Number(s) of the parcel(s) for each owner(s) in the Relationship column.)

NAME (enter first name, middle initial, and last name)	ADDRESS (enter number, street, city, state, and zip code)	RELATIONSHIP(S) (enter applicable relationships listed in <b>BOLD</b> above)
Appietree Montessori, LLC	8809 Arlington Blvd. Fairfax, VA 22031	Applicant / Lessee
Thea W. Meinen	10522 Elmenden Ct. Oakton, VA 22124	Agent for Applicant/ Lessee
Annelly K. Carver	10522 Elmenden Ct. Oakton, VA 22124	Title Owner

(check if applicable)

☐

There are more relationships to be listed and Par. 1(a) is continued on a "Special Permit/Variance Attachment to Par. 1(a)" form.

\* In the case of a condominium, the title owner, contract purchaser, or lessee of 10% or more of the units in the condominium.

\*\* List as follows: Name of trustee, Trustee for (name of trust, if applicable), for the benefit of: (state name of each beneficiary).

Application No(s):

SP 2013-PR-044

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Page Two

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

5.4.2013

(enter date affidavit is notarized)

121053

1(b). The following constitutes a listing\*\*\* of the **SHAREHOLDERS** of all corporations disclosed in this affidavit who own 10% or more of any class of stock issued by said corporation, and where such corporation has 10 or less shareholders, a listing of all of the shareholders:

(NOTE: Include **SOLE PROPRIETORSHIPS, LIMITED LIABILITY COMPANIES, and REAL ESTATE INVESTMENT TRUSTS** herein.)

**CORPORATION INFORMATION**

**NAME & ADDRESS OF CORPORATION:** (enter complete name, number, street, city, state, and zip code)

Appletree Montessori, LLC  
8809 Arlington Blvd.  
Fairfax, VA 22031

**DESCRIPTION OF CORPORATION:** (check one statement)

- ☒ There are 10 or less shareholders, and all of the shareholders are listed below.  
☐ There are more than 10 shareholders, and all of the shareholders owning 10% or more of any class of stock issued by said corporation are listed below.  
☐ There are more than 10 shareholders, but no shareholder owns 10% or more of any class of stock issued by said corporation, and no shareholders are listed below.

**NAMES OF SHAREHOLDERS:** (enter first name, middle initial, and last name)

Thea W. Meinen, Sole Member

(check if applicable) ☐ There is more corporation information and Par. 1(b) is continued on a "Special Permit/Variance Attachment 1(b)" form.

\*\*\* All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.



Application No(s):

SP 2013-PR-044

(county-assigned application number(s), to be entered by County Staff)

Page Three

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

5.4.2013

(enter date affidavit is notarized)

121053

1(c). The following constitutes a listing\*\*\* of all of the **PARTNERS**, both **GENERAL** and **LIMITED**, in any partnership disclosed in this affidavit:

**PARTNERSHIP INFORMATION**

**PARTNERSHIP NAME & ADDRESS:** (enter complete name, number, street, city, state, and zip code)

N/A

(check if applicable) ☐ The above-listed partnership has no limited partners.

**NAMES AND TITLE OF THE PARTNERS** (enter first name, middle initial, last name, and title, e.g. **General Partner**, **Limited Partner**, or **General and Limited Partner**)

(check if applicable) ☐ There is more partnership information and Par. 1(c) is continued on a "Special Permit/Variance Attachment to Par. 1(c)" form.

\*\*\*-All listings which include partnerships, corporations, or trusts, to include the names of beneficiaries, must be broken down successively until: (a) only individual persons are listed or (b) the listing for a corporation having more than 10 shareholders has no shareholder owning 10% or more of any class of stock. *In the case of an APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land that is a partnership, corporation, or trust, such successive breakdown must include a listing and further breakdown of all of its partners, of its shareholders as required above, and of beneficiaries of any trusts. Such successive breakdown must also include breakdowns of any partnership, corporation, or trust owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land. Limited liability companies and real estate investment trusts and their equivalents are treated as corporations, with members being deemed the equivalent of shareholders; managing members shall also be listed.* Use footnote numbers to designate partnerships or corporations, which have further listings on an attachment page, and reference the same footnote numbers on the attachment page.

Application No(s):

SP 2013-PR-044

(county-assigned application number(s), to be entered by County Staff)

Page Four

**SPECIAL PERMIT/VARIANCE AFFIDAVIT**

DATE:

5.4.2013

(enter date affidavit is notarized)

121053

1(d). One of the following boxes **must** be checked:

☐ In addition to the names listed in Paragraphs 1(a), 1(b), and 1(c) above, the following is a listing of any and all other individuals who own in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land:

☒ Other than the names listed in Paragraphs 1(a), 1(b), and 1(c) above, no individual owns in the aggregate (directly and as a shareholder, partner, and beneficiary of a trust) 10% or more of the **APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\*** of the land.

2. That no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household owns or has any financial interest in the subject land either individually, by ownership of stock in a corporation owning such land, or through an interest in a partnership owning such land.

**EXCEPT AS FOLLOWS:** (NOTE: If answer is none, enter "NONE" on the line below.)

NONE

(check if applicable) ☐ There are more interests to be listed and Par. 2 is continued on a "Special Permit/Variance Attachment to Par. 2" form.

Application No.(s):

SP 2013-PR-044

(county-assigned application number(s), to be entered by County Staff)

Page Five

SPECIAL PERMIT/VARIANCE AFFIDAVIT

DATE:

5-4-2013

121053

(enter date affidavit is notarized)

3. That within the twelve-month period prior to the public hearing of this application, no member of the Fairfax County Board of Zoning Appeals, Planning Commission, or any member of his or her immediate household, either directly or by way of partnership in which any of them is a partner, employee, agent, or attorney, or through a partner of any of them, or through a corporation in which any of them is an officer, director, employee, agent, or attorney or holds 10% or more of the outstanding bonds or shares of stock of a particular class, has, or has had any business or financial relationship, other than any ordinary depositor or customer relationship with or by a retail establishment, public utility, or bank, including any gift or donation having a value of more than \$100, singularly or in the aggregate, with any of those listed in Par. 1 above.

EXCEPT AS FOLLOWS: (NOTE: If answer is none, enter "NONE" on line below.)

NONE

(NOTE: Business or financial relationships of the type described in this paragraph that arise after the filing of this application and before each public hearing must be disclosed prior to the public hearings. See Par. 4 below.)

(check if applicable)

[ ]

There are more disclosures to be listed and Par. 3 is continued on a "Special Permit/Variance Attachment to Par. 3" form.

4. That the information contained in this affidavit is complete, that all partnerships, corporations, and trusts owning 10% or more of the APPLICANT, TITLE OWNER, CONTRACT PURCHASER, or LESSEE\* of the land have been listed and broken down, and that prior to each and every public hearing on this matter, I will reexamine this affidavit and provide any changed or supplemental information, including business or financial relationships of the type described in Paragraph 3 above, that arise on or after the date of this application.

WITNESS the following signature:

(check one)

[ ] Applicant

[X] Applicant's Authorized Agent

Thea W. Meinen, sole member  
(type or print first name, middle initial, last name, and title of signee)

Subscribed and sworn to before me this 4th day of May 2013, in the State/Comm. of VA, County/City of FAIRFAX.

Notary Public

My commission expires: 02-15-2015

KRISTEN ELIZABETH PASSANISI  
NOTARY PUBLIC 7505414  
COMMONWEALTH OF VIRGINIA



Home Child Care Facility  
Appletree Montessori, LLC  
(Thea Meinen Sole Member)

Special Permit Statement of Justification

A written statement from the applicant describing the proposed use, and other pertinent data, including specifically;

A. Type of operation.

A Home Child Care Facility serving 12 families in Fairfax County. Providing Quality Child Care by an AMS (American Montessori Society) qualified, dedicated teacher in a beautiful classroom setting.

B. Hours of operation.

7:00a.m. - 6:00p.m.

C. Estimated number of children and largest number present at any one time, excluding the provider's own children.

The largest number of children present at any one time would be 12.

D. Proposed number of employees/attendants/teachers/etc.

The Applicant would request up to two additional non-residents be allowed while children are attending.

E. Estimated drop off schedule and largest number of drop offs at any one time.

Since the Home Child Care Facility is not operating yet, the following is a good faith estimate of drop off/pick up times, based on working in other child care centers.

Mornings:

7:00 - 8:00 3 drop offs

8:00 - 8:30 3 drop offs

8:30 - 9:00 3 drop offs

9:00 - 9:15 3 drop offs

Afternoons:

3:00 - 3:30 3 pick ups

3:30 - 4:00 3 pick ups

4:00 - 4:15 2 pick ups

4:15 - 5:00 2 pick ups

5:00 - 5:30 1 pick up

5:30 - 6:00 1 pick up

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MAY 06 2013

Zoning Evaluation Division

**F. Vicinity or general area to be served by the use.**

The Applicant hopes to serve 12 families in Fairfax County including the communities of Mantua, Fair Hill, Comstock, and any other neighborhoods between Fairfax Circle and Prosperity Avenue.

**G. Describe the dwelling and how the use will operate within the dwelling, including square footage dedicated to the home child care facility. Include a floor plan to show how the use fits within the dwelling. Describe the outdoor play areas.**

The Home Child Care Facility will occupy over 1100 square feet (almost triple the amount of square footage suggested by Dept. of Social Services) of the home. Thea Meinen, will be living in the remaining square feet. The home is ideal for home child care as the rooms to be used for child care are separate from the rest of the house. The only "shared" area for both Ms. Meinen and the Child Care is the kitchen.

In addition to the ideal layout of the home, the outdoors will have a separate area designated for the play area. Attached is a photo of the swings to be installed, and a possible play structure that might be bought (if application is approved). The yard is fenced and will have rubber mulch used in the play area. There is also plans for a sandbox to be made. Additionally (because the property is on .95 acre, the children will have the opportunity to "go in the woods" and benefit from numerous nature walks, exploration, etc.

**H. A statement of how the proposed use conforms to the General Standards; Section 8 -006 of the Zoning Ordinance (found on page 1 of attachment 3).**

The property is not in a neighborhood, yet is easily accessible and is in harmony with the land uses surrounding it. *The proposed development conforms to the provisions of all applicable ordinances, regulations and adopted standards.* Quality Child Care in Fairfax County is in high demand, and Thea Meinen (Appletree Montessori, LLC) is passionate about delivering loving, quality care to the children she desires to serve. Having over 12 years experience in childcare, and 5 years in the Montessori environment, Ms. Meinen is familiar with the demands and nature of her work. She is in the process of meeting all the requirements of the Dept. of Social Services for a Family Day Home.

**I. A statement of how the proposed use conforms to the Special Standards for Home Child Care Facilities; Section 8 -305 of the Zoning Ordinance (found on page 2 of Attachment 3).**

The Applicant is requesting to care for 12 children with two additional non-residents to be involved in the care of the children. As shown in this application, (statements// photos/etc.) the use conforms to the Special Standards for Home C

Note: The applicant is aware that there is a proposed Board of Supervisors Hearing scheduled for May 14th, 2013. She understands she will not be entitled to a refund for any part of the filing fee (if lowered from the current \$1,100.)

The applicant requests if the proposed amendment is approved ~~it~~ becomes part of the conditions of this application.

Appletree Montessori, LLC

Zoning Ordinance General Standards For A Special Permit  
Section 8 - 006

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.

The property is situated on almost an acre (zoned R-1) on Arlington Blvd. There is residential, commercial (Craven's Nursery), and other special exception/mixed use (Kena Temple, Sunrise Assisted Living, Merritt Academy and Fairfax Circle Baptist Church) within 1 mile of the proposed property - 8809 Arlington Blvd. A Home Child Care Facility of 12 children would be an asset to the community.

2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.

The property is in harmony with the zoning district regulations as stated above.

3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.

The property has beautifully landscaped grounds, screening, and fencing which only increase the value of the properties adjacent or nearby.

4. The proposed use shall be such that pedestrians and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.

8809 Arlington Blvd. is not in a neighborhood so it will not conflict with any traffic. Located on Arlington Blvd., there is no pedestrian traffic, and the entrance has ample driveway to pull into without disturbing traffic

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Department of Planning & Zoning

MAY 06 2013

Zoning Evaluation Division



5. In addition to the standards which may be set forth in this Article for a particular group or use, the Board of Zoning Appeals shall require landscaping and screening in accordance with the provisions of Article 13, Landscaping and Screening, in the Zoning Ordinance.

The Applicant will be happy to comply with such standards.

There are numerous shrubs, trees, and a combination of privacy fencing and chain link fencing surrounding the property.

6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.

Situated on almost a full acre of land, this Home Child Care Facility shall indeed provide adequate open space which also will make it a child's delight!

7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.

The applicant will provide adequate facilities for 12 children.

Code suggest 2-3 parking spaces for the residents of the home (In this case , only 1 car will be used for the single resident) and one parking space for each helper (The applicant respectfully requests 2), and one or two parking spaces for parents picking up and dropping off children. Total suggested: 3 - 6

The beautiful circular driveway can easily accommodate 7-9 cars.

8. Signs shall be regulated by the provisions of Article 12, Signs, in the Zoning Ordinance; however the Board of Zoning Appeals may impose more strict requirements for a given use than those set forth in this Ordinance.

The applicant will comply to the provisions of Article 12 signs. If a sign is not permitted the Home ChildCare Facility will respect that.

**Haley, Erin M.**

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**From:** Kessler, Alan  
**Sent:** Tuesday, July 02, 2013 10:04 AM  
**To:** Haley, Erin M.  
**Cc:** Iannetta, Elizabeth A.; 'Nelson, Kevin (Kevin.Nelson@VDOT.Virginia.gov)'  
**Subject:** SP 2013-PR-044 \_Apple Treet Montessori, LLC

Erin;

The site proposes a day-care center with direct access to Route 50 ( designated as part of the National Highway System (NHS) - < Roadway travels through various U.S states>

The site will require safe and adequate access.

FCDOT's comments are as follows:

- 1) The direct access to Route 50 would need to be upgraded to a VDOT commercial access. ( An access which is paved )
- 2) The access would have to meet all VDOT specifications, including sight distance requirements. A revised plat would be needed to show these designs.
- 3) The applicant would also have to provide an analysis to determine if an eastbound right turn lane, or right turn taper or an radius, is warranted on Route 50 at the site access. If warranted the applicant would have to construct the frontage improvement.
- 4) The site's improvement and right-in/ right-out site access would encourage additional U-turns on Route 50 at Barkley Road and at Chichester Road. The traffic signal at Barkley (for the westbound left approach) provides both a green ball (lefts permitted) and a green arrow (lefts turns protected) for the additional U-turns expected for this proposal. The applicant should determine if a signal head redesign is needed (as eliminated the green ball and just using a left turn arrow). If needed the applicant would have to provide the improvement with VDOT approval.
- 5) The applicant should provide a revised plan to show how they are to park the vehicles on site: (i.e. the owner, the two employees and the expected patrons; how are the pick-ups and drop offs to turn around on-site.)
- 6) The Comprehensive Plan denotes Route 50 along the site as a future improved 6-laned highway. Per the comprehensive plan the applicant should reserve right-of-way for dedication at 72 -ft, from centerline at Route 50.
- 7) Route 50 is also designated through the zoning ordinance to have a service drive. The applicant can dedicate additional right-of-way beyond the 72-ft from centerline with additional ancillary easements for a service drive, or commit to easements for interparcel access to the east and to the west.
- 8) At this time we are awaiting VDOT comments

Tahnx

## Haley, Erin M.

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**From:** Kessler, Alan  
**Sent:** Monday, July 22, 2013 9:28 AM  
**To:** Haley, Erin M.  
**Subject:** RE: SP 2013-PR-044; Apple Tree Montessori, LLC

Erin;

I am okay with the development conditions. The DCs do not mention a signal redesign, which is fine, as a simple/ temporary solution is for VDOT to prohibit U-turns.

Also, we can see how VDOT responds to the Left-Turn Capability paragraph...thanx

Alan

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**From:** Haley, Erin M.  
**Sent:** Friday, July 19, 2013 4:20 PM  
**To:** Kessler, Alan  
**Subject:** RE: SP 2013-PR-044; Apple Tree Montessori, LLC

Thank you for the updates. I'm attaching the draft report that is also currently being reviewed by Susan and VDOT. Please let me know your thoughts about the report in general and the Development Conditions specifically. Thank you so much for your input!

Have a great weekend!

Erin M. Haley  
Staff Coordinator  
Fairfax County  
Zoning Evaluation Division  
703-324-1239  
[Erin.Haley@fairfaxcounty.gov](mailto:Erin.Haley@fairfaxcounty.gov)

---

**From:** Kessler, Alan  
**Sent:** Friday, July 19, 2013 1:12 PM  
**To:** Haley, Erin M.  
**Cc:** Iannetta, Elizabeth A.  
**Subject:** SP 2013-PR-044; Apple Tree Montessori, LLC

Erin;

See attached for our draft comments for your report . They are most related to the access point to Rte 50.

Previous comments related to right-of-way, service drive, and the applicant providing an analysis of the nearby traffic signal would be above and beyond for this application.

However, possible future enrollment increases above 12 students could broach these concerns again.

Thanx... I have included some extra comments below if you want to expand topics in your report... Hope this helps...I'll give ya a call in a little bit.

Alan

- The existing entrance to Route 50, a Principal Arterial which is also designated as part of the National Highway System where access is carefully controlled. Both FCDOT and VDOT would require a paved entrance to Route 50 per VDOT standards.

When development plans change access points or add traffic to access points, VDOT has the authority to require access improvements to their public streets. Therefore, it would be unlikely any waiver could be approved for this access. VDOT also mentions the hazard of loose gravel on the road.

- The subject access to Route 50 would also have to meet VDOT's sight distance requirements.

VDOT requires all accesses to provide adequate sight distance before approving access to a public road

- Due to the high volume of traffic on Route 50, the potential need for a right turn lane into the site needs to be analyzed and addressed by the applicant. It should also be noted VDOT may prohibit U-turns at the adjacent traffic intersections.

VDOT has control over the access points to public streets. Whenever an update to an access is proposed, VDOT checks to see if turn lane(s), tapers or a turn radius are warranted. This is primary for safety reasons. With Route 50 being a Principal Arterial and an NHS route, safety and access are even more critical. General theory is that changes in traffic speed are a major cause of car accidents.

Therefore, vehicles stopping to make a turn onto an access may be better served if they had a space or turn lane, taper or radius to be out of the heavy flowing traffic, thus avoiding an abrupt change of speed.





# COMMONWEALTH of VIRGINIA

## DEPARTMENT OF TRANSPORTATION

GREGORY A. WHIRLEY  
COMMISSIONER

4975 Alliance Drive  
Fairfax, VA 22030  
July 2, 2013

**To:** Ms. Barbara Berlin  
Director, Zoning Evaluation Division

**From:** Paul Kraucunas  
Virginia Department of Transportation – Land Development Section

**Subject:** SP 2013-PR-044  
Appletree Montessori, LLC  
Tax Map # 048-4 ((1)) 41

I have reviewed the above plan received on July 1, 2013 and have the following comments:

1. Sight distance for the existing entrances are partially blocked by vegetation. This vegetation should be removed to provide safe egress from the property.
2. The existing entrances to this property are gravel. These should be paved so that visitor to the property can more safely enter the high volume, high speed traffic on Route 50 without spinning out, etc. This would also reduce the chances of gravel being tracked onto the roadway.
3. With two employees and an estimate of three drop offs at one time, five parking spaces for visitors need to be provided on site, as well as a turnaround area.
4. Due to the high volume of traffic on Route 50 the potential need for a right-turn lane into the site needs to be analyzed and appropriately addressed.

If you have any questions, please call me at (703) 259-2787.



## County of Fairfax, Virginia

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**DATE:** July 26, 2013

**TO:** Erin Haley, Staff Coordinator  
Zoning Evaluation Division  
Department of Planning and Zoning

**FROM:** Kevin R. Wastler, EH Supervisor *KRW*  
Technical Review and Information Resources Section  
Fairfax County Health Department

**SUBJECT:** Application for Special Permit

**REFERENCE:** Application No. SP 2013-PR-044 (Appletree Montessori, LLC)

After reviewing the application, the Health Department cannot approve the proposal for a Home Child Care Facility located at 8809 Arlington Boulevard, Fairfax, Virginia 22031. Health Department records indicate that the house on the property is served by an onsite sewage disposal system (Septic System) that was designed for 2 bedrooms. According to records in the file it is estimated that the system was installed in the early 1950's and the last time the Health Department was on the property for an evaluation was for a building permit for a shed in 1974. As per current Health Department codes and regulations the system would be designed to receive a maximum of 300 gallons per day (gpd) of wastewater.

The proposed home child care facility enrollment number of 14, which includes two staff members, would add an additional 140 gpd of wastewater to the system bringing the total to 440 gpd each day which is nearly 50 percent more than its original design.

Based on the above information to include the age of the existing system the current septic system could not support the additional waste generated from the proposed application information.



**8-006****General Standards**

In addition to the specific standards set forth hereinafter with regard to particular special permit uses, all special permit uses shall satisfy the following general standards:

1. The proposed use at the specified location shall be in harmony with the adopted comprehensive plan.
2. The proposed use shall be in harmony with the general purpose and intent of the applicable zoning district regulations.
3. The proposed use shall be such that it will be harmonious with and will not adversely affect the use or development of neighboring properties in accordance with the applicable zoning district regulations and the adopted comprehensive plan. The location, size and height of buildings, structures, walls and fences, and the nature and extent of screening, buffering and landscaping shall be such that the use will not hinder or discourage the appropriate development and use of adjacent or nearby land and/or buildings or impair the value thereof.
4. The proposed use shall be such that pedestrian and vehicular traffic associated with such use will not be hazardous or conflict with the existing and anticipated traffic in the neighborhood.
5. In addition to the standards which may be set forth in this Article for a particular group or use, the BZA shall require landscaping and screening in accordance with the provisions of Article 13.
6. Open space shall be provided in an amount equivalent to that specified for the zoning district in which the proposed use is located.
7. Adequate utility, drainage, parking, loading and other necessary facilities to serve the proposed use shall be provided. Parking and loading requirements shall be in accordance with the provisions of Article 11.
8. Signs shall be regulated by the provisions of Article 12; however, the BZA, under the authority presented in Sect. 007 below, may impose more strict requirements for a given use than those set forth in this Ordinance.

**8-303 Standards for all Group 3 Uses**

In addition to the general standards set forth in Sect. 006 above, all Group 3 special permit uses shall satisfy the following standards:

1. Except as may be qualified in the following Sections, all uses shall comply with the lot size and bulk regulations of the zoning district in which located; however, subject to the provisions of Sect. 9-607, the maximum building height for a Group 3 use may be increased.
2. All uses shall comply with the performance standards specified for the zoning district in which located.
3. Before establishment, all uses, including modifications or alterations to existing uses, except home child care facilities, shall be subject to the provisions of Article 17, Site Plans.



**8-305****Additional Standards for Home Child Care Facilities**

1. The number of children that may be cared for in a home child care facility may exceed the number of children permitted under Par. 6A of Sect. 10-103, but in no event shall the maximum number of children permitted at any one time exceed twelve (12), excluding the provider's own children. The BZA may also allow more than one nonresident person to be involved with the use. Except as described above, home child care facilities shall also be subject to the use limitations of Par. 6 of Sect. 10-103.
2. The BZA shall review access to the site and all existing and/or proposed parking, including but not limited to the availability of on-street parking and/or alternative drop off and pick up areas located in proximity to the use, to determine if such parking is sufficient. The BZA may require the provision of additional off-street parking spaces based on the maximum number of vehicles expected to be on site at any one time and such parking shall be in addition to the requirement for the dwelling unit.
3. The provisions of Article 13 shall not apply to home child care facilities, however, the BZA may require the provision of landscaping and screening based on the specifics of each application.
4. Notwithstanding Par. 2 of Sect. 011 above, all applications shall be accompanied by ten (10) copies of a plan drawn to scale. The plan, which may be prepared by the applicant, shall contain the following information:
  - A. The dimensions, boundary lines and area of the lot or parcel.
  - B. The location, dimensions and height of any building, structure or addition, whether existing or proposed.
  - C. The distance from all property lines to the existing or proposed building, structure or addition, shown to the nearest foot.
  - D. The dimensions and size of all outdoor recreation space and the location of such space in relation to all lot lines.
5. All such uses shall be subject to the regulations of Chapter 30 of The Code or Title 63.2, Chapter 17 of the Code of Virginia.